

Message

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**From:** Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]  
**Sent:** 9/14/2017 3:02:02 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]  
**Subject:** FW: Updated oversight chart and priority list  
**Attachments:** Whitehouse Air Travel 8-23-17.docx; Whitehouse Air Travel 8-28-17 Travel List.docx; Whitehouse Air Travel 8-10-17.pdf  
  
**Importance:** High

I will send this out this afternoon unless there are any edits/modifications. Please advise

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**From:** Trudeau, Shaun  
**Sent:** Thursday, September 14, 2017 10:32 AM  
**To:** Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Cc:** Packard, Elise <Packard.Elise@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>  
**Subject:** RE: Updated oversight chart and priority list

Hi everyone,

We (Erik, Justina, Charlotte, and I) have reviewed the Whitehouse/Air Travel response for OGC, and we have no edits or comments concerning the attached version.

Please let me know if you have any questions or concerns.

Thank you,  
Shaun

**Shaun R. Trudeau**  
Attorney-Advisor  
Special Assistant to the Principal Deputy  
Office of General Counsel  
U.S. Environmental Protection Agency  
Office: 202.564.5127

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**From:** Youngblood, Charlotte  
**Sent:** Thursday, September 14, 2017 9:50 AM  
**To:** Lyons, Troy <lyons.troy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Cc:** Packard, Elise <Packard.Elise@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Trudeau, Shaun <Trudeau.Shaun@epa.gov>  
**Subject:** RE: Updated oversight chart and priority list

Yes. I'm looping Shaun in here. He coordinated with Justina, and I believe he will be routing the letter to our Front Office this morning.

Shaun – do I have that right?

Thanks,

Charlotte Youngblood  
Deputy Associate General Counsel  
General Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-0283  
[youngblood.charlotte@epa.gov](mailto:youngblood.charlotte@epa.gov)

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**From:** Lyons, Troy  
**Sent:** Thursday, September 14, 2017 9:47 AM  
**To:** Youngblood, Charlotte <[Youngblood.Charlotte@epa.gov](mailto:Youngblood.Charlotte@epa.gov)>; Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Cc:** Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>; Aarons, Kyle <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>; Blake, Wendy <[Blake.Wendy@epa.gov](mailto:Blake.Wendy@epa.gov)>  
**Subject:** RE: Updated oversight chart and priority list  
**Importance:** High

I just received a call from Senator Whitehouse regarding the travel letter. *Can we expedite this to get this out by tomorrow?*

**Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

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**From:** Youngblood, Charlotte  
**Sent:** Tuesday, September 12, 2017 2:03 PM  
**To:** Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>; Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Cc:** Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>; Aarons, Kyle <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>; Blake, Wendy <[Blake.Wendy@epa.gov](mailto:Blake.Wendy@epa.gov)>  
**Subject:** RE: Updated oversight chart and priority list

Thanks, Troy. As discussed at our meeting last week, we are poised to help move these as quickly as possible. I just want to clarify for the benefit of others on the chain that, with the exception of the air travel letter (which I believe is being reviewed in our ethics office, but will double-check), all of the letters “with OGC review” below came in yesterday afternoon/this morning, and we are working on routing them as quickly as we can (unfortunately I’m out of the office, but continue to monitor email and route the letters). I don’t want anyone to get the misimpression that we are letting these sit in OGC. I’ll double-check with Kyle that I haven’t missed any. Kyle has been doing a great job routing everything.

Thanks again to you both for your work on all of this!

Best,

Charlotte Youngblood  
Deputy Associate General Counsel  
General Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-0283  
[youngblood.charlotte@epa.gov](mailto:youngblood.charlotte@epa.gov)

**From:** Lyons, Troy  
**Sent:** Tuesday, September 12, 2017 12:26 PM  
**To:** Baptist, Erik <baptist.erik@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Cc:** Packard, Elise <Packard.Elise@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>  
**Subject:** Fwd: Updated oversight chart and priority list

Ogc--I know there are many balls in the air for you all, but I would appreciate your assistance in helping to get responses back to EPW by the end of the week. Ahead of next week's hearing, it would be ideal to get the OK email, travel and grants letters back to the committee by the end of this week.

I appreciate your attention and assistance on these letters.

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**Troy M. Lyons**  
Associate Administrator  
Office of Congressional & Intergovernmental Relations  
U.S. Environmental Protection Agency

**Ex. 6** (cell)

Sent from my iPhone

Begin forwarded message:

**From:** "Aarons, Kyle" <Aarons.Kyle@epa.gov>  
**Date:** September 12, 2017 at 12:06:51 PM EDT  
**To:** "Lyons, Troy" <lyons.troy@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Baptist, Erik" <baptist.erik@epa.gov>  
**Cc:** "Williams, LaShawn" <williams.lashawn@epa.gov>, "Cheatham-Strickland, Latonia" <Cheatham-Strickland.Latonia@epa.gov>, "Rodrick, Christian" <rodrick.christian@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Shimmin, Kaitlyn" <shimmin.kaitlyn@epa.gov>  
**Subject:** Updated oversight chart and priority list

Hi all – Ahead of next week's confirmation hearings, we'd like to get as many of these letters delivered as possible. These are roughly in priority order.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

In addition to the letters above, we are waiting for documents to be available on a number of EPW requests:

- Carper: Honest Act / HR 1430 (interim letter sent informing committee of ongoing search)
- Whitehouse: Tate Bennett Ethics (interim letter sent)
- Carper: Clean Power Plan EO
- Carper: Chlorpyrifos (interim letter sent)
- Carper: Board of Scientific Counselors (interim letter sent)

As noted in the attached chart, we have now received 32 oversight letters from a member of the EPW minority during the 115<sup>th</sup> Congress. We have formally responded to 24 of these requests. Note we have sent fewer than 24 letters as some of our outgoing letters explicitly respond to more than one incoming letter. Also note that not all responses are substantive; some simply indicate that we are working on a document search and will deliver documents once available.

Thanks,  
Kyle

Kyle Aarons  
Congressional Affairs  
U.S. Environmental Protection Agency  
202-564-7351



SHELDON WHITEHOUSE  
RHODE ISLAND

COMMITTEES:  
AGING  
BUDGET  
ENVIRONMENT AND PUBLIC WORKS  
HEALTH, EDUCATION, LABOR, AND PENSIONS  
JUDICIARY

United States Senate  
WASHINGTON, DC 20510-3905

<http://whitehouse.senate.gov>

(202) 224-2821  
TTY (202) 224-7748

170 WESTMINSTER STREET, SUITE 1100  
PROVIDENCE, RI 02903  
(401) 453-5254

August 10, 2017

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004

Dear Administrator Pruitt:

As a member of the Senate Environment and Public Works Committee, one of my responsibilities is to conduct oversight over the Environmental Protection Agency. To that end, I request you provide documents related to air travel taken by you or any EPA employee since February 17, 2017, on any flight other than a regularly scheduled, commercial flight (e.g., charters, company jets). Insofar as any responsive documents do not include the following information, please indicate:

- Date, departure city, and destination;
- Cost of the flight;
- Who arranged and paid for the flight;
- Flight roster, including affiliations;
- Why a commercial flight was not used; and
- Purpose and length of the trip.

I request a response no later than August 24, 2017. If you have any questions, please do not hesitate to contact Emily Enderle at [emily\\_enderle@whitehouse.senate.gov](mailto:emily_enderle@whitehouse.senate.gov).

Sincerely,



Sheldon Whitehouse  
United States Senator

Message

**From:** Rodrick, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6515DBE46DAE466DA53C8A3AA3BE8CC2-RODRICK, CH]  
**Sent:** 4/16/2018 9:53:57 PM  
**To:** Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**CC:** Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]  
**Subject:** RE: 4-11-2018 - FY19 Budget Hearing HOT TOPICS V1.docx  
**Attachments:** 4-11-2018 - FY19 Budget Hearing HOT TOPICS V2\_OCIR.docx

All,

Apologies. I did not have Ryan's most updated doc. Attached are our updates included in Ryan's version from 5:36PM this evening.

*Christian Rodrick  
Special Assistant  
Congressional Affairs U.S. EPA  
O: (202) 564-4828*

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**From:** Rodrick, Christian  
**Sent:** Monday, April 16, 2018 5:45 PM  
**To:** Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>  
**Subject:** RE: 4-11-2018 - FY19 Budget Hearing HOT TOPICS V1.docx

All,

Attached are updates **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Thanks,

*Christian Rodrick  
Special Assistant  
Congressional Affairs U.S. EPA  
O: (202) 564-4828*

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**From:** Lyons, Troy  
**Sent:** Monday, April 16, 2018 4:56 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>  
**Subject:** Re: 4-11-2018 - FY19 Budget Hearing HOT TOPICS V1.docx

Tony/CRod-could you assist w this?  
Sent from my iPhone

On Apr 16, 2018, at 4:45 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Attached are my initial changes to the Hot Topics page. I could use some help in fairly short order to review my edits and to add additional issues which we know he will be asked about.

Can you help get your offices to turn this around soon?

<4-11-2018 - FY19 Budget Hearing HOT TOPICS V1.docx>

Message

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**From:** Penberthy, Tania [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=712FCF2F48594AE58F36386576BDB74D-PENBERTHY,]  
**Sent:** 7/23/2018 7:45:54 PM  
**To:** AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]  
**Subject:** Daily Clips, July 23, 2018

**Administrator Scott Pruitt**

Daily Beast - John Kelly Signed Off on a 'Purge' of Scott Pruitt Loyalists From EPA

Washington Examiner - EPA Under Pruitt Slashed \$350 Million In Regulations, 300,000 Hours of Red Tape

**Auto**

Bloomberg - Trump to Seek Repeal of California's Smog-Fighting Power

E&E News - Greens Decry 'Orwellian' New Title for Car-Emissions Rule

Politico - Auto Rule Rollback Could Hinge on Highway Deaths

The Hill - Trump to Propose Blocking California's Clean Car Standards: Report

WTW - Illinois Sues EPA Over Pruitt's Loophole for 'Super Polluting' Trucks

**Biofuel**

Reuters - EPA Wrongly Denied Biofuel Waiver For West Virginia Refinery: Court

**Clean Up Sites**

E&E News - Officials to Test Navajo Wells Leaking for Years

WTHR - EPA Calls for Sampling Plan for Franklin Industrial Site

**Coal Ash**

CNN - With EPA Rule Change, Worries Linger for Those Near Coal Ash Ponds

Energy News - Georgia Next in Line for EPA Approval on State Coal Ash Permit Program

Times - EPA Rollback of Coal Ash Regulations Could Significantly Impact Little Blue Run

**EPA Spending Bill**

Water Finance and Management - House Approves EPA Spending Bill

**Ozone**

Tri-City Herald - Ozone Pollution Alerts May Be the New Normal for Tri-Cities. One Starts Sunday

**Wastewater**

## **Administrator Scott Pruitt**

### **Daily Beast**

John Kelly Signed Off on a 'Purge' of Scott Pruitt Loyalists From EPA

[https://www.thedailybeast.com/john-kelly-signed-off-on-a-purge-of-scott-pruitt-loyalists-from-epa?wpisrc=nl\\_energy202&wpmm=1](https://www.thedailybeast.com/john-kelly-signed-off-on-a-purge-of-scott-pruitt-loyalists-from-epa?wpisrc=nl_energy202&wpmm=1)

Posted: July 22<sup>nd</sup>, 2018 @ 8:35pm By: Lachlan Markay and Asawin Suebsaeng

The Trump White House has moved quickly to force out a trio of staffers loyal to former scandal-plagued Environmental Protection Agency chief Scott Pruitt, according to multiple sources familiar with the situation.

One administration source described it as a “purge” of Pruitt loyalists that was orchestrated by a White House staff that had, for months, clashed with the ex-administrator and his team over ethical lapses and lavish personal spending and travel.

According to sources with knowledge of the situation, Chief of Staff John Kelly gave the greenlight to the efforts to remove the three officials after Pruitt’s resignation from the EPA this month. Kelly, along with other senior aides to President Donald Trump, campaigned for months for Pruitt’s firing. As The Daily Beast reported in early April, Kelly had a tense phone call with Pruitt, telling the now-former EPA chief that the torrent of scandals needed to stop.

At least one of the axed Pruitt aides, spokesman Lincoln Ferguson, had planned to leave the EPA prior to Pruitt’s departure. But the White House Presidential Personnel Office, overseen by senior Trump aide Johnny DeStefano, expedited his resignation.

Senior EPA communications adviser Jahan Wilcox, who frequently clashed with the press and served as a top enforcer for his chronically embattled former boss, was also asked to tender his resignation at PPO’s request. Hayley Ford, the EPA’s deputy White House liaison, was also pushed out this month following Pruitt’s ouster.

In their time working at Pruitt’s side, Ford and Wilcox had gained a reputation within the West Wing as people who absolutely “had to go” once Pruitt finally left the Trump administration, a White House source said. Another official familiar with the post-Pruitt “purge” added that Ford had been “escorted out” of the federal agency after she was axed.

There is often staff turnover at agencies when new leadership takes over. But the changes at the EPA were rooted in long-simmering tensions inside the administration. Under Pruitt, the EPA clashed repeatedly with the White House, with a number of agency officials resisting official White House requests, such as demands that Pruitt turn over copies of official travel records amid a probe into the administrator’s spending on chartered and first-class airfare.

Officials at both the White House and the EPA hope to move past an era racked by controversy, press scrutiny, and numerous investigations into the conduct of the agency’s chief. The removal of the three EPA officials was seen by one source as an effort to infuse new blood into the agency now led by Acting Administrator Andrew Wheeler.

White House spokespeople did not respond to multiple requests for comment. The EPA declined comment on this story.

### **Washington Examiner**

EPA Under Pruitt Slashed \$350 Million In Regulations, 300,000 Hours Of Red Tape

<https://www.washingtonexaminer.com/washington-secrets/epa-under-pruitt-slashed-350-million-in-regulations-300-000-hours-of-red-tape>

Posted: July 23<sup>rd</sup>, 2018 @ 11:31am By: Paul Bedard

The Environmental Protection Agency under former Administrator Scott Pruitt led the administration's successful war on regulations, slashing enough to produce \$350 million in savings and eliminate 300,000 hours of paperwork.

A new report on the agency's efforts found that the EPA "was a net deregulatory agency," and a highlight of President Trump's effort to eliminate many Obama-era regulations.

What's more, the American Action Forum report found that Pruitt set in place an anti-regulatory mindset that should keep the EPA at the leading edge of deregulation under Trump.

The report is the first to look at the impact of Pruitt, who resigned July 5 after battling a string of controversies involving his leadership.

"While he received a lot of attention for his personal actions, Scott Pruitt's tenure at EPA moved the agency in a very different direction substantively than under the previous administration," said the report compiled by Dan Goldbeck, a senior research analyst for regulatory policy at the American Action Forum.

During his time at EPA, Pruitt was backed by Trump because of his deregulation efforts.

In the report, provided to Secrets, Goldbeck cited these highlights:

- Final rules from the agency produced nearly \$350 million in cost savings and cut more than 300,000 hours of paperwork burdens.
- In addition to specific rulemaking actions, Pruitt established the framework for a substantial shift in EPA's mission and practices. The most notable changes included: narrowing the agency's regulatory scope, reforming the practice of "sue and settle," and re-examining the data and analytical processes used to justify rulemakings.
- While EPA's leadership will change, the Pruitt-era policy changes will almost certainly continue. The agency is on track to exceed its deregulatory target for this year, and it is only a matter of time before its most high-profile deregulatory measures (e.g. Clean Power Plan Repeal and adjusted fuel efficiency standards) wind their way through the rulemaking process.

"The fact that EPA was a net cost-cutter during his tenure is significant," said the report.

Goldbeck lists specific changes that led to the savings, but also emphasized the impact of Pruitt's war on how the agency's pro-regulation culture has changed.

“Pruitt’s tenure at EPA marked a dramatic shift in the agency’s underlying mission and culture – perhaps more so than under any other member of President Trump’s cabinet,” he said.

## **Auto**

### **Bloomberg**

Trump to Seek Repeal of California's Smog-Fighting Power

<https://www.bloomberg.com/news/articles/2018-07-23/trump-is-said-to-seek-repeal-of-california-s-smog-fighting-power>

Posted: July 23<sup>rd</sup>, 2018 @ 12:07pm By: Ryan Beene , Jennifer A Dlouhy , John Lippert , and Ari Natter

The Trump administration will seek to revoke California’s authority to regulate automobile greenhouse gas emissions -- including its mandate for electric car sales -- in a proposed revision of Obama-era standards, according to three people familiar with the plan.

The proposal, expected to be released this week, amounts to a frontal assault on one of former President Barack Obama’s signature regulatory programs to curb greenhouse gas emissions that contribute to climate change. It also sets up a high-stakes battle over California’s unique ability to combat air pollution and, if finalized, is sure to set off a protracted courtroom battle.

The proposed revamp would also put the brakes on federal rules to boost fuel efficiency into the next decade, said the people, who asked to not be identified discussing the proposals before they are public. Instead it will cap federal fuel economy requirements at the 2020 level, which under federal law must be at least a 35-mile-per-gallon fleet average, rather than letting them rise to roughly 50 mpg by 2025 as envisioned in the plan left behind by Obama, according to the people.

As part of the effort, the U.S. Environmental Protection Agency will propose revoking the Clean Air Act waiver granted to California that has allowed the state to regulate carbon emissions from vehicle tailpipes and force carmakers to sell electric vehicles in the state in higher numbers, according to three people familiar with the plan.

The U.S. National Highway Traffic Safety Administration will likewise assert that California is barred from regulating greenhouse gas emissions from autos under the 1975 law that established the first federal fuel-efficiency requirements, the people said.

The proposal is still in the final stages of a broad interagency review led by President Donald Trump’s Office of Management and Budget, but these major elements of the plan were not expected to change, the people said.

Messages seeking comment from OMB, NHTSA and the EPA were not immediately returned. California Air Resources Board head Mary Nichols declined to comment. Once the agencies formally unveil the proposal, the public will have a chance to weigh in, with those comments used to develop a final rule that could be implemented as soon as the end of the year.

Although the proposal will outline other options, the administration will put its weight behind the dramatic overhaul, including the revocation of California’s cherished authority, the people said.

The state's 2009 waiver under the Clean Air Act has allowed California to set emissions rules for cars and trucks that are more stringent than the federal government's. But the state has aligned its rules with those set by the EPA and NHTSA in a so-called national program of clean-car rules. Negotiations toward another set of harmonized rules has not yet yielded agreement.

If Trump's plan sticks, it could be his biggest regulatory rollback yet. Agencies are expected to claim it will reduce traffic fatalities by making it cheaper for drivers to replace older, less-safe cars, while paring sticker prices for new vehicles even if motorists have to spend more for gasoline.

California, for its part, rejects the idea that its 48-year ability to write its own tailpipe emission rules should end. "We have the law on our side, as well as the people of the country and the people of the world," said Dan Sperling, a member of the state's Air Resources Board said.

The most-populous U.S. state and 16 others plus the District of Columbia filed a lawsuit on May 2 seeking to block the Trump administration's effort to unravel the Obama-era emissions targets. Sperling said that number will grow as more and more people come to realize how fundamentally Trump is attacking the idea of states' rights.

Caught somewhere in the middle are automakers, which in recent months have stressed they would not support freezing the federal targets and want Washington and Sacramento to continue linking their vehicle efficiency goals. While they spent the first year of the Trump administration attacking Obama's rules as too costly, they fear the regulatory uncertainty that a years-long court battle over a rollback would create. In addition, other major auto markets such as China and Europe are pressing forward with tougher mandates of their own for cleaner cars.

"This is nothing less than an outrageous attack on public health and states' rights," said Frank O'Donnell, president of Clean Air Watch. "It's a dumb move for an administration that claims it wants peace, because this will lead to an emissions war: progressive states versus a reactionary federal government. The big question: who will the car companies back?"

Some conservatives have long chafed at the rare authority granted California and welcome the effort to revoke.

"Congress didn't intend for California to set national fuel economy standards," said Steve Milloy, a policy adviser for the Heartland Institute, a group critical of climate science. "It's nutty it's been allowed to develop. National fuel economy standards are set by the federal government so that's what we are going to do."

### **E&E News**

Greens Decry 'Orwellian' New Title for Car-Emissions Rule

<https://www.eenews.net/greenvire/stories/1060090065>

Posted: July 23<sup>rd</sup>, 2018 By: Maxine Joselow, E&E News reporter

The White House Office of Management and Budget has tweaked the title of EPA's proposed rollback of Obama-era clean car rules, placing a greater emphasis on safety and cost.

The proposal is now titled "The Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule" for model years 2021 to 2026, according to the Reginfo.gov online regulations repository.



Previously, it was called "2021-2026 Model Year Corporate Average Fuel Economy Standards and Light-Duty Vehicle Greenhouse Gas Emissions Standards."

The change signals the proposal's impending release. EPA is expected to formally announce it sometime this week, said an agency official (E&E News PM, July 19).

The change also suggests EPA may seek to justify the rollback by arguing it will increase safety on the roads and save consumers money.

With regard to safety, nearly 40,000 people die on the nation's highways each year, according to the National Highway Traffic Safety Administration. EPA may argue that increases in fuel efficiency are often achieved by downsizing and lightweighting, which lead to less safe vehicles.

With regard to cost, a new light-duty vehicle has an average price tag of \$36,270, according to Kelley Blue Book, a California-based automotive research company. EPA may argue increases in fuel efficiency can raise the up-front cost of a new car.

Former EPA Administrator Scott Pruitt previously mentioned cost as a primary concern in his April announcement about revising the standards (Greenwire, April 3).

Paul Billings, senior vice president for advocacy at the American Lung Association, called the new title "Orwellian."

"It's an attempt to create some sort of narrative that cars are unsafe and this is going to make cars more safe, which is absurd," Billings said.

While EPA may claim the Obama-era rules lead to higher costs for consumers, "more fuel-efficient cars pay for that initial investment very quickly, particularly at today's gas prices," he said.

In addition to tweaking the proposal's title, OMB also listed several meetings about the rollback among interested advocates, EPA and the Department of Transportation.

Attendees listed represent both industry and environmental interests, including the Alliance of Automobile Manufacturers, the Manufacturers of Emission Controls Association, Environment America and the National Association of Clean Air Agencies.

EPA didn't respond to a request for comment seeking details on the proposal's release.

Transportation Department spokesman Andy Post said in an email, "We will keep you posted as we get closer." He declined to provide further details.

## **Politico**

Auto Rule Rollback Could Hinge on Highway Deaths

<https://www.politico.com/newsletters/morning-energy/2018/07/23/auto-rule-rollback-could-hinge-on-highway-deaths-293797>

Posted: July 23<sup>rd</sup>, 2018 @ 10:00am By: Kelsey Tamborrino

The Transportation Department and EPA are gearing up to release a proposal rolling back Obama-era rules requiring significant gains in car fuel efficiency as soon as this week — and the Trump administration appears ready to argue that less efficient cars are safer for human lives.

Newly posted OMB meeting records show for the first time that the EPA version is called the “Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule.” (The rulemaking previously had a more generic name.) Former Administrator Scott Pruitt made it clear in April when he announced plans to roll back EPA’s greenhouse gas standards that lowering the up-front costs of new vehicles was a major concern, in part because he said higher prices could motivate consumers to continue driving older, dirtier cars.

But the safety reference in the rule’s name is a new and apparently key feature of the rollback. The debate over whether increases in fuel efficiency — which are often driven by downsizing and lightweighting — mean that those vehicles are less safe has been raging for about as long as fuel economy standards have existed. The forthcoming proposal is expected to analyze whether lowering the fuel efficiency targets means fewer traffic fatalities — potentially more than 1,000 of the nearly 40,000 annual highway deaths in the U.S., according to sources familiar with a draft that circulated earlier this year. It is not clear whether the proposal will factor in the costs related to increased air pollution associated with rolling back the standards, but the Trump administration has already been relying on much lower figures to estimate the cost effects of climate change in rolling back other Obama-era rules. Advocates of lower efficiency note that traffic deaths per capita and per miles driven have decreased significantly since fuel economy standards were first created by Congress in the 1970s.

### **The Hill**

Trump to Propose Blocking California’s Clean Car Standards: Report

<http://thehill.com/policy/energy-environment/398372-trump-admin-to-propose-blocking-californias-clean-car-standards>

Posted: July 23<sup>rd</sup>, 2018 @ 12:38pm By: Timothy Cama

The Trump administration is planning a proposal to block California regulators from enforcing their own emissions standards for vehicles sold in the state.

Bloomberg News reported Monday that the proposal will be part of a regulation the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) will jointly propose in the coming days to freeze or reduce federal greenhouse gas emissions and fuel efficiency rules for cars.

The proposal would set up a battle with California over whether the Clean Air Act allows its decades-long aggressive crackdown on car emissions. The fight is almost certain to go to court if the administration pursues it.

The rules have become part of California’s environmental identity, as well as part of its efforts to clean the air in Los Angeles and other heavily polluted areas.

The Obama administration permitted California to set its own greenhouse gas emissions for cars in 2009, giving it a waiver under the Clean Air Act. Numerous other states now follow California’s standards.

Under Obama, the EPA and NHTSA decided to negotiate with California so that the country retains one nationwide standard, even though California had the authority to institute its own.

Separately, the Golden State uses its waiver to require car companies to sell a certain amount of electric vehicles in the state. That authority would also be revoked with the Trump administration's action.

The EPA and NHTSA revealed in a regulatory notice Friday that its upcoming proposal to reduce vehicle efficiency and emissions standards will be dubbed the "Safer and Affordable Fuel Efficient Vehicles Rule," indicating that administration officials will likely argue that stricter standards would compromise safety.

Then-EPA head Scott Pruitt formally declared in April that the Obama plan to make emissions and efficiency standards stricter through 2026 is not appropriate. It was the first step toward potentially rolling the standards back.

The agencies are expected in the coming days to float a proposal with a handful of ideas, including various levels of looser rules through 2026 and freezing the standards in 2020 with no additional ramping up.

### **WTTW**

Illinois Sues EPA Over Pruitt's Loophole for 'Super Polluting' Trucks

<https://chicagotonight.wttw.com/2018/07/23/illinois-sues-epa-over-pruitt-s-loophole-super-polluting-trucks>

Posted: July 23<sup>rd</sup>, 2018 @ 2:08pm By: Alex Ruppenthal

Illinois Attorney General Lisa Madigan is suing the U.S. Environmental Protection Agency – again.

Last week, Madigan joined her counterparts in more than a dozen states in filing suit against the agency, this time over an order issued by former EPA Administrator Scott Pruitt on his final day in office that suspends a 2016 rule limiting the number of highly polluting trucks on the nation's roads.

Pruitt resigned earlier this month after facing months of pressure over scandals related to his travel spending, security costs, influence from industry lobbyists and other issues.

On July 6, Pruitt's final day in office, the EPA announced that it would not be enforcing its own rule intended to reduce pollution caused by trucks. The rule applies to so-called gliders, which are new, heavy-duty truck bodies outfitted with refurbished or rebuilt engines from before 2010 that produce large quantities of pollution.

The 2016 Glider Rule, as it is known, mandates that most engines installed in gliders meet the same emissions standards applicable to newly manufactured engines, which create significantly less pollution. It also caps the number of gliders a company can manufacture each year at 300.

The rule is meant to limit the excessive amounts of smog and lung-damaging particulate matter emitted by outdated truck engines, which have been described as "super polluting."

"If left unchallenged, this outrageous special interest giveaway will cause widespread harm to the environment," Madigan said in a statement on Friday. "Allowing these highly polluting trucks to circumvent necessary clean air safeguards is unlawful."

Madigan has already taken a number of legal actions against the Trump administration's EPA, including over its regulation of harmful landfill emissions and proposed rollbacks of various air quality standards.

According to Madigan's office and media reports, Pruitt's move will allow the sale of trucks that produce up to 55 times as much air pollution as trucks outfitted with modern emissions systems. Emissions from the highly polluting trucks are linked to asthma, low birth weight, infant mortality and lung cancer, according to Madigan's office.

Several environmental groups have filed a separate lawsuit against the EPA over the same issue. Last week, a circuit court of appeals ruled in favor of the groups, granting an administrative stay that places a temporary hold on Pruitt's order.

Madigan and attorneys general in 14 other states filed their own lawsuit because of the irreparable harm that residents in their states would suffer if the order is allowed to stand, according to Madigan's office.

Environmental regulators in California, Minnesota and Pennsylvania are also part of the coalition suing the EPA.

## **Biofuel**

### **Reuters**

EPA Wrongly Denied Biofuel Waiver For West Virginia Refinery: Court

<https://www.reuters.com/article/us-usa-biofuel-epa/epa-wrongly-denied-biofuel-waiver-for-west-virginia-refinery-court-idUSKBN1KA2G7>

Posted: July 20<sup>th</sup>, 2018 @ 1:17pm By: Jarrett Renshaw

(Reuters) - The U.S. Environmental Protection Agency must reconsider its denial of small West Virginia refinery Ergon's application for an exemption from U.S. biofuel laws after it relied on an "error-riddled" analysis, an appeals court ruled on Friday.

The EPA relied on a recommendation from the Department of Energy that, among other things, failed to take into account that Ergon produced high levels of diesel that may not easily be blended and sold into the local market, according to the 4th U.S. Circuit Court of Appeals in Maryland.

The decision will likely bolster supporters of the EPA's expansion of the small refinery waiver program under President Donald Trump, many of whom argue that President Barack Obama's EPA had been too stingy with exemptions.

The biofuel industry, meanwhile, has criticized the expansion of the program under Trump, saying it undercuts the U.S. Renewable Fuel Standard (RFS).

The RFS requires refiners to blend biofuels like ethanol into the fuel pool or buy compliance credits from those who do - a measure aimed at helping corn farmers and cutting foreign imports of petroleum. But refineries up to 75,000 barrels per day can seek exemptions from the law each year if they can prove compliance would cause them financial hardship.

Ergon operates a small refinery (23,500 barrels per day) in Newell, West Virginia that produces specialty lube oils and diesel.

"We are pleased to see the 4th Circuit Court ruling which recognizes the significant and disproportionate hardship that RFS places on small refineries," said Ergon-West Virginia Inc President Kris Patrick.

The EPA did not immediately respond to requests for comment.

Former EPA administrator Scott Pruitt, who resigned earlier this month following a slew of ethics controversies, oversaw a surge in small refinery waivers.

The EPA put out data last week that said it granted 48 such waivers for the years 2016 and 2017, representing some 2.25 billion gallons of biofuels.

The EPA is required to consult with the Department of Energy on the applications. Under Pruitt, the EPA consistently ignored recommendations from the Energy Department to reject or limit waivers to oil refiners seeking exemptions from biofuels laws.

The panel of appellate judges ruled that the DOE's analysis was flawed because it did not take into the account the regional market for biodiesel and also separated the plant's lube oil production in part of application and included in other areas.

"Although the EPA is statutorily required to consider the DOE's recommendation, it may not turn a blind eye to errors and omissions apparent on the face of the report, which Ergon pointed out and the EPA did not address in any meaningful way," the judges wrote.

In a previous case, the 10th Circuit Court overturned the EPA's denial of Sinclair Oil's exemption applications last year, arguing the agency was using too narrow of a test when evaluating the applications. The EPA remedied the reversal by granting Sinclair 2018 compliance credits related to its 2014 and 2015 obligations.

## **Clean Up Sites**

### **E&E News**

Officials to Test Navajo Wells Leaking for Years

<https://www.eenews.net/energywire/2018/07/23/stories/1060089965>

Posted: July 23<sup>rd</sup>, 2018 By: Mike Soraghan, E&E News reporter

Federal and tribal officials later this month plan to start testing 48 oil and gas wells on Navajo Nation lands in the Four Corners region that appear to have been leaking for years.

EPA says it will deploy teams with counterparts from the Navajo Nation to sample discharges from the wells, said Margot Perez-Sullivan, a spokeswoman with EPA's Region 9 office.

"This sampling effort will help us determine if there are any constituents of concern and help develop next steps," Perez-Sullivan said.

EPA said the New Mexico Department of Energy, Minerals and Natural Resources alerted the agency to one of the wells, called the Foshay well. State officials were concerned about discharges flowing onto state lands.

The agency then worked with Navajo Nation officials to identify other wells with similar characteristics, Perez-Sullivan said. Attempts to reach Navajo Nation environmental officials were unsuccessful.

Staff of the environmental group Earthworks visited two of the sites, said Bruce Baizel, director of the group's energy program. One was spraying water, and another appeared to be a long-standing oil spill.

Soil samples they took found barium, a primary ingredient in drilling mud, at both sites, according to an analysis done by Wilma Subra, a chemist and technical consultant for environmental groups. High levels of volatile organic compounds were found in one of the two samples.

Records indicate that the issue with the Foshay well began in the 1970s and has continued for decades.

The Foshay well, located near a parking access for the Bureau of Land Management's Bisti/De-Na-Zin Wilderness Area, was drilled in 1971 by the Delaware Apache Corp. as a wildcat well. Interior Department documents in a state online file indicate it was a dry hole. In 1974, it was plugged back by another operator, converted to a water well and turned over to BLM.

In the late 1990s, state inspectors found water flowing from the well into a ditch and onto state lands, according to a 1999 letter from the assistant manager of the BLM district to Navajo Nation officials. He said the "uncontrolled flow" of water was killing native plants and causing salt to accumulate. But the letter also noted that water from the well was an important water source for livestock and some wildlife in the area.

The letter said the well was on Navajo land and asked the nation to develop a plan to control the flow of water. Nothing in the online file indicates what happened with the well after that.

## **WTHR**

EPA Calls For Sampling Plan For Franklin Industrial Site

<https://www.wthr.com/article/epa-calls-sampling-plan-franklin-industrial-site>

Posted: July 21<sup>st</sup>, 2018 @ 7:46pm (undated July 23<sup>rd</sup>, 2018 @ 6:29am) By: Sandra Chapman

FRANKLIN, Ind. (WTHR) – The U.S. EPA is providing more specifics about its request for sampling at the Franklin industrial site where a New Jersey Environmental not-for-profit says it discovered dangerous chemicals seeping into homes.

The information comes after Franklin Mayor, Steve Barnett put out a statement saying the Indiana Department of Environmental Management could not confirm the veracity of the test results released by the Edison Wetlands Association. Barnett's letter also indicated the EPA shared that response.

Last Thursday, just three days after 13 Investigates broke the story about the testing, EPA told WTHR, it was concerned about the results and was "working with Amphenol Corp to conduct additional testing to investigate possible vapor intrusion pathways." The agency is not backing off that stance, and provided more clarification about its course of action by responding to a series of questions from 13 Investigates.

*Is EPA concerned that toxins have shown up in testing results and could Amphenol be the source?*

EPA Response: "EPA has directed Amphenol to develop a site-wide sampling plan to determine if VOC's (volatile organic compounds) are present in soil, soil vapor or groundwater at the site. EPA will address any issues found as a result of the on-site sampling."

*Does EPA take issue with the testing results?*

EPA Response: "EPA appreciates the initiative taken by the Edison Wetlands Association. However, as this sampling of homes was not a sampling event undertaken with EPA oversight of sampling and analytical method used, EPA is not able to determine the usability of the data. (Example: Reported Radon sampling results are intended to show that it is possible for vapors to enter homes from the subsurface and not to claim a connection between radon and nearby industrial sites. Radon is naturally occurring in many places) The Edison Wetlands Association has not provided the addresses of the homes that were sampled to the EPA. EPA intends to use data from the upcoming sampling by Amphenol to determine if the Amphenol site is impacting areas outside its site boundaries. EPA will rely on the data from its own work to make decisions about appropriate next steps."

*Will EPA mandate that Amphenol Corp conduct more testing?*

EPA Response: "EPA under its regulatory authority, is working with the Amphenol Corporation to investigate the potential for a vapor intrusion pathway between the facility and the adjacent residential area. Sampling of soil, soil vapors and groundwater will proceed under EPA oversight. Under EPA oversight, Amphenol will also measure the ambient air around its facility and the VOC emissions from its ground water pump-and-treat system. Based on current information, the treatment system emission levels are very low. (below any level requiring IDEM to require an air permit) Nonetheless, EPA will obtain and analyze refreshed data and will share the results with the community when available."

The agency also told 13 Investigators that a site manager will be in Franklin for the testing and a site inspection in August.

Stacie Davidson co-founder of the group "If It Was Your Child" confirmed names and addresses of the homes sampled were not provided by Edison Wetlands due to privacy agreements with the homeowners who wanted to keep their identifying information confidential.

## **Coal Ash**

### **CNN**

With EPA Rule Change, Worries Linger For Those Near Coal Ash Ponds

<https://www.cnn.com/2018/07/21/health/epa-coal-ash-reaction/index.html>

Posted: July 21st, 2018 @ 12:39pm By: Nadia Kounang

(CNN)In March 2017, coal mogul Bob Murray came to the Washington headquarters of the US Department of Energy for a meeting with Secretary Rick Perry. Also at the table was Andrew Wheeler, who this month became acting head of the Environmental Protection Agency.

Wheeler had helped organize the meeting as a lobbyist for the firm Faegre Baker Daniels, where Murray Energy was one of four energy clients he represented. The Murray team's agenda that day: a four-page action plan "for achieving reliable and low cost electricity in America and to assist in the survival of our Country's coal industry."

Murray, chief executive of Murray Energy, one of the largest coal companies in the country, was leading a pro-coal campaign on the Trump administration. He had sent a similar plan to Vice President Mike Pence as well as then-EPA head Scott Pruitt.

Details of the plans and emails were discovered in documents obtained through the Freedom of Information Act by E&E news.

The plan had 17 bullet points, including cutting the EPA staff at least in half, because, according to Murray, "Tens of thousands of government bureaucrats have issued over 82,000 pages of regulations under Obama, many of them regarding coal mining and utilization. The Obama EPA, alone, wrote over 25,000 pages of rules, thirty-eight (38) times the words in our Holy Bible."

Murray also suggested withdrawing from the Paris climate accord because it "is an attempt by the rest of the world to obtain funding from our Country."

At the top of Murray's list was managing coal ash, the leftover waste power plants create from burning coal. Coal ash contains heavy metals including arsenic, lead and mercury that can be harmful to your health.

The plan stated that the relevant regulation needed to be rewritten "delegating the authority to the states."

Murray presented drafts of six proposed presidential executive orders, including one aimed at deregulating coal ash. The draft read, "the states should be authorized to develop and enforce their own plans for disposal of coal combustion residuals ... rather than the USEPA."

This week, as one of his first major acts at the EPA, Wheeler signed and finalized new standards overseeing coal ash.

It's a revision of 2015 regulations put into place by the Obama administration after two significant industrial coal ash spills. The regulations now put more authority in the hands of states to regulate their own waste.

Most significantly, under the original version of the regulations, companies had to provide annual groundwater monitoring results. Under the new revisions, if the plant is able to prove that it isn't polluting the aquifer, it is no longer required to monitor. Provisions that previously required assessments from professional engineers were also struck.

The revised rules "provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Wheeler said in a statement. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

Critics of the new coal ash rules say they are a gift to industry and a continued burden for those communities near coal ash sites.

"These rules will allow yet more tons of coal ash, containing toxics like arsenic and mercury, to be dumped into unlined leaking pits sitting in groundwater and next to rivers, lakes and drinking water reservoirs," said Frank Holleman, a senior attorney with the Southern Environmental Law Center, referencing the finalized coal ash rules. "These rules also substitute politics for science by allowing action to be taken based on certification by a politically appointed agency director instead of a licensed practicing engineer."



"It is now apparently the goal of EPA to save industry money by allowing them to continue to dump toxic waste into leaking pits, which is exactly what the new rule accomplishes," said Lisa Evans, an attorney with the nonprofit environmental law group Earthjustice.

CNN Chief Medical Correspondent Dr. Sanjay Gupta requested to speak with Wheeler about the impact of his lobbying experience on his new position but was declined.

#### *One of the largest sources of industrial waste*

Coal ash is one of the most-generated forms of industrial waste in the country. According to the American Coal Ash Association, about 110 million tons were generated last year.

The association says that about half of all coal ash produced in the United States is recycled into construction materials such as concrete or wallboard.

However, that leaves about 50 million tons of coal ash does not get repurposed, and instead needs to be disposed of every year.

Historically, when coal was burned, plants would send the ash out of smokestacks, creating dark plumes of smoke. Now, scrubbers and filters collect much of the ash. It may not escape into the air anymore, but it does have to go somewhere.

So, power plants often mix the leftover ash with water and sluice it into unlined pits, where the ash settles to the bottom. In some places, these ponds have been dug into the groundwater table -- water that can be pulled up by private drinking wells, or that eventually makes its way into public drinking water sources. Many of these sites also sit along the banks of rivers, lakes and streams, where nothing more than earthen banks separate waste from freshwater.

According to the EPA, there are over 1,000 coal ash disposal sites across the country, many of them constructed in the 1950s and 1960s, well before any sort of regulations.

Holleman said he can't imagine a more precarious way to manage this waste.

"Millions of tons of industrial waste directly on the banks of major drinking water reservoirs that serve hundreds of thousands of people," he said, "that's a recipe for disaster."

#### *Two serious incidents*

In the past decade, there have been two major coal ash spills in the United States. In 2008, a break in a dam at the Tennessee Valley Authority's Kingston power plant sent over a billion gallons of coal ash cascading into the Clinch River. The black sludge blanketed over 300 acres, inundating the area around Kingston. The spill destroyed three homes and damaged a dozen others. Scientists found fish contaminated with high levels of arsenic and selenium months after the spill.

In 2014, a corroded pipe at Duke Energy's Dan River steam station in North Carolina sent up to 39,000 tons of coal ash flooding into nearby waters. The black sludge made its way 70 miles downstream. Today, the state still warns against eating some fish from the river because of high mercury levels.

A year after the Dan River spill, the EPA enacted the first set of comprehensive regulations overseeing coal ash. Among the requirements: Coal ash sites were to be monitored for structural integrity, coal-burning utilities had to conduct and publish groundwater monitoring results for the first time, and ponds that were found to be contaminating groundwater in excess of allowable limits, or that were structurally faulty, were to be closed following specific guidelines.

Closing a coal ash pond can involve one of two methods approved by the EPA. The water can be drained out of the pond and a liner put over the top, which is known as "cap in place." The other method involves completely excavating the entire pond and ash, drying the ash, and then moving it into a lined container. Environmentalists prefer the latter method of excavation, saying that it ensures that there is a barrier to protect groundwater, but power companies say that this is a much more costly method involving transport of the ash and additional labor, among other expenses. And those expenses, they say, would be passed on ultimately to customers. Industry argues that if the ponds aren't showing to be leaking, there should be no need to move them.

### *'Localized' impact*

This past March was the EPA's deadline for utilities nationwide to publish the first set of national groundwater monitoring results. The findings were striking, showing contamination at coal ash sites across the country.

"This is a pretty wide phenomena across the country with hundreds of sites, all showing them leaking," said Avner Vengosh, a professor of Earth and ocean sciences at Duke University.

At Indianapolis Power & Light Co.'s Harding Street Station, for example, levels of arsenic in some parts of the plant were found to be more than 40 times higher than federal drinking water standards. In North Carolina, levels of radium were found anywhere from 2.5 times greater to 38 times greater than federal drinking water standards.

In both of these situations, the wells tested are directly at the coal ash sites. Environmentalists worry that these contaminants could eventually leach into nearby groundwater sources.

The Edison Electric Institute, a trade group representing the industry, said in a statement that "Company reports contain initial data, and it is premature to use these results to predict any impacts to drinking water or public safety. These initial data now must be analyzed and assessed further."

Duke Energy spokeswoman Erin Culbert told Gupta that there is no indication from testing or modeling that any of the contamination from Duke Energy's facilities is reaching drinking water.

"The area of impact that you see around the ash basins is really localized between the ash basin and the local river or lake," she said.

Vengosh said that's not a reassurance. "The fact that (the contaminants) have arrived in the aquifer is the key," he said. "Even if they aren't affected now, they can be affected in the future."

When a contaminated well is found, it is simply too late, he said.

## *Living amid coal ash*

The threat of a potential contaminant lingers in many communities neighboring coal ash sites, despite reassurances that industry testing shows that water sources are safe at the moment.

For many people in these communities, coal ash is a bogeyman.

Public health experts say that the elements found in coal ash -- heavy metals like arsenic, lead, and mercury -- can pose serious health risks. According to the EPA, exposure to coal ash waste "can cause severe health and environmental problems in the form of cancer and non-cancer risks in humans, lowered IQ among children, and deformities and reproductive harm in fish and wildlife. Many of these pollutants, once in the environment, remain there for years."

They note that "some minority and low-income communities" are at an even greater risk due to their "close proximity to these discharges and relatively high consumption of fish."

But it's challenging to tease out exactly how much coal ash people have been exposed to, at what levels, and how they were exposed, possibly by inhaling coal ash dust or drinking contaminated water. To complicate it further, the coal ash itself can have different levels of element concentrations depending on where the coal was sourced.

Tracey Brown Edwards remembers growing up next to Duke Energy's Belews Creek Steam Station in Walnut Cove, North Carolina. The plant's coal ash pond sat next to Belews Lake, a recreational lake used for fishing and swimming north of Winston-Salem.

Edwards describes an idyllic childhood in the town of about 1,000 people, a place where kids played outside all day and picked fruit off trees when they were hungry. Growing up, they didn't think much about the plant, but she remembers how soot from the power station was always around: in the air, on plants, on rooftops and on cars. "You could actually write your name in the dust that was set on the vehicles," she said.

Edwards, 44, has had three strokes and a heart attack, which left her temporarily paralyzed on her right side. She can't help but wonder whether Duke Energy had something to do with her health and that of her neighbors.

"There's been a lot of young people with cancer, certain kinds of cancers, brain cancer, stomach cancers, breast cancer," she said. In her small block of five homes, four of the families have been hit by cancer. Her doctors can't say it is related to coal ash, but they also can't rule it out.

Danielle Bailey-Lash, 43, has lived in Walnut Cove since she was 13 and couldn't imagine raising her family anywhere else. When she and her husband married, they settled in a house on the lake. She has fond memories of growing up there, fishing and eating from the lake, and swimming in the water. It was a "dream location; it had everything we needed," she told Gupta.

But in 2009, Bailey-Lash began experiencing headaches that became so severe, she had to go to the hospital the following year. Doctors found a tumor the size of a juice box just above her right ear. She was diagnosed with stage 3 astrocytoma, a form of brain cancer, and her doctors said she just had months to live. She underwent

chemotherapy and radiation, and today, she has no trace of cancer. The diagnosis is still a shock to her, she never smoked and had no history of the disease in her family.

Her doctors can't make any conclusions about what contributed to the disease, but when Gupta asked what she thought, she answered confidently: "I'm 100% sure I know what caused it: Duke Energy."

While an EPA draft report found that people who lived within a mile of a coal ash pond had an increased risk of cancer from drinking arsenic-contaminated water, there are very few studies that explore the direct relationship between coal ash and cancer. A North Carolina state assessment of cancer incidences by county didn't find a higher incidence of cancer in counties with coal ash sites.

But, critics say the analysis didn't narrow down to neighborhood levels.

*Trying to find answers*

Drilling down on those kind of numbers and connections is a challenge.

"For epidemiology, it's very difficult to address coal ash questions because of the scattered nature of coal ash," said Mary Fox, co-director of the Risk Sciences and Public Policy Institute at Johns Hopkins.

Cancers in particular are difficult to pin down. Nationally, the rate of cancer in adults is quite high: According to the American Cancer Association, one in three adults will be diagnosed with any type of cancer in their lifetime. On top of that, the disease has a latency period up to 30 years or more, which could mean a host of factors could contribute to potential exposures. And children are particularly vulnerable, simply because they have smaller systems to process the exposure.

Lisa Bradley, a toxicologist who serves on the board of the American Coal Ash Association, an industry group with members that work for various coal ash producers, said that the EPA's measurements for risk are extremely conservative, looking at cancer risk rates calculated at between 1 in 10,000 and 1 in 1 million chances.

None of that brings relief to Andree Davis, who lives next door to the Belews Creek plant. The soil on her property was tested by the University of North Carolina's Superfund Research program and found to have levels of arsenic above EPA thresholds. She said she began breaking out in lesions and sores from showering at home and has resorted to bathing at friends' homes and a local hotel.

She hasn't seen a doctor about the sores because she's concerned about the cost.

Davis wants to move, but she asks angrily, who would buy her house? "Nobody wants to buy it, because everybody's aware of our situation with the coal ash contamination," she said.

Culbert said that Duke has been a conscientious neighbor and has been monitoring groundwater impacts for the past decade.

"We do know from monitoring data that we started taking about a decade ago that there are localized groundwater impacts immediately near the ash basins. So while they have some groundwater impacts near them, we know from

this network of monitoring wells that it's not impacting neighbors offsite in terms of their private drinking wells and their water supplies that their families rely on."

Duke Energy is also offering to compensate those neighbors who live within half-mile of the plant and can prove that they sold their homes for less than market value because of their proximity to the plant; Duke promises to bring them up to "fair market value," a similar home in a neighboring area that is outside of the half mile radius. Those sellers have to sign a waiver stating that they will ask for no further compensation and prevents the owners from suing for any health claims related to the groundwater.

### *Industry interests*

Industry has been actively trying to revise the standards since President Trump came into office. Aside from efforts from Murray Energy, the Utility Solids Waste Activities Group, an industry organization representing more than 110 utility groups, sent a petition to the agency, challenging the 2015 regulations on coal ash containment. It called the regulations too rigorous and costly.

According to the letter, the rule resulted "in significant economic and operational impacts to coal-fired power generation," claiming that it was such a burden that "the economic viability of coal-fired power plants is jeopardized."

When the EPA announced the initial set of rule changes this week, the EPA highlighted the \$30 million in annual cost savings.

"Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs," Wheeler said in a statement.

"This action provides the regulatory certainty needed to make investment decisions to ensure compliance and the continued protection of health and the environment," said Jim Roewer, executive director of the Utility Solids Waste Activities Group.

In the announcement this week, the EPA said it expects to make more revisions to the original 2015 coal ash regulations in the coming year.

How much is a savings of \$30 million? Duke Energy alone made more than \$3 billion in profit last year.

Industry trade groups such as the Utility Solids Waste Activities Group argue that empowering states isn't a rollback but rather a way to better tailor to the needs of each site. "We believe [states] are in a better spot to look at local issues. The folks at the state regulatory agencies have a much better feel for the issues at hand," Roewer said.

Richard Kinch, a member of the National Ash Management Advisory Board, an independent body that advises Duke Energy, and one of the primary authors of the original 2015 regulations, agreed that the states are in a better position to regulate the waste. It's the approach the EPA has traditionally taken with waste management, he said.

But Kinch, who worked on the agency's coal ash issues during his 41-year career at the EPA, noted that leaning on states also requires trust. "Maybe there are people that don't feel they trust states and that states will be inappropriate in their actions," he said.

And that's precisely what the Southern Environmental Law Center's Holleman is concerned about. He said that until the 2015 regulations were enacted, coal ash waste was in the hands of the states -- and that record is far from sterling.

"It's just really putting us back to where we were when the Kingston Coal Ash facilities spilled open into the Clinch River in Tennessee," he said.

"When you boil all these changes down, what they do is relieve the utilities one way or another from the obligation of having to clean up these sites based on the groundwater contamination that has been proven at them across the country."

### **Energy News**

Georgia next in line for EPA approval on state coal ash permit program

<https://energynews.us/2018/07/23/southeast/georgia-next-in-line-for-epa-approval-on-state-coal-ash-permit-program/>

Posted: July 23<sup>rd</sup>, 2018 By: Gillian Neimark

Environmental groups say the rush to let states regulate coal ash has lacked transparency or public input.

Georgia hopes to follow Oklahoma and become the second state to win federal approval to regulate coal ash disposal on its own.

"We're working very diligently with the EPA to get a state-run program in Georgia," says Jeff Cown, chief of the Land Protection Branch for the Georgia Environmental Protection Division.

The U.S. Environmental Protection Agency has regulated coal ash disposal since October 2015, following a devastating 2014 spill that sent 39,000 tons of toxic ash into the Dan River in North Carolina.

Last summer the agency announced it was open to delegating that authority back to states, and Oklahoma last month became the first to win approval under that program to manage coal ash at the state level.

Scott Pruitt, the former Oklahoma attorney general who resigned last month as EPA administrator, said at the time that the decision "places oversight of coal ash disposal into the hands of those who are best positioned to oversee coal ash management: the officials who have intimate knowledge of the facilities and the environment in their state."

Coal-fired power plants produce 110 million tons of coal combustion residuals (CCR) a year. Georgia generates 6.1 million tons annually, and since 2015 it has also accepted nearly 7 million tons in total of coal ash from other states. Depending on where the coal is mined, it can contain a host of heavy metals including arsenic, lead and mercury that can leak into water supplies.

Cown said Georgia residents won't need to worry about that risk if the state's application is accepted. "Our regulations will be equal to or even more protective than the federal EPA rules, which currently run over 500 pages."

But environmental groups say it's too soon to know what impact a shift to state regulation would have because of a lack of transparency and time for public comment in the application process.

"Delegated programs are very common under the EPA," said Lisa Evans, an attorney specializing in hazardous waste law at Earthjustice, a nonprofit environmental law organization. "But I don't know of another major delegated program that doesn't take steps to guarantee a meaningful public role in establishing regulations."

Evans said there are ground rules on what an application should look like, how to post that application and what the public participation rules will be. "The EPA skipped those steps with coal ash. They were in such a hurry under (former EPA Administrator Scott) Pruitt to approve state programs."

In order to view Georgia's application, which was submitted in April 2018, EarthJustice had to file a Freedom of Information Act request. The group only received access to the 387-page document this month.

"This will take many weeks to review," Evans said. "The application process for state coal ash programs is being conducted behind closed doors. These materials should have been made available for the public to review in a timely manner."

An EPA guidance document in August 2017 outlined six provisions that would allow states or EPA the ability to incorporate "flexibilities" into their coal ash permit programs. These kinds of documents alert the public to how a rule might be implemented or enforced.

"These flexibilities had often been loopholes meant for municipal solid waste landfills," said Frank Holleman, senior attorney at the Southern Environmental Law Center. "They involved mostly household waste, not industrial waste."

Citizens and environmental groups were given 30 days to comment on the guidance document, Evans said. "We asked for 60 days and they agreed," she said, "but on the 29th day, as I was leaving the office, I got a call that they had rescinded the extra time and I had until midnight."

Earthjustice and other advocacy groups protested and took the full 60 days anyway, she said. The EPA later agreed to include the comments.

State regulation of coal ash, like that approved for Oklahoma, marks the EPA's continuing shift toward more state responsibility and less federal oversight of coal ash, overhauling the Obama administration's 2015 rules.

Meanwhile, the agency is revising the 2015 federal rules, finalizing the first phase of changes last week. The revisions allow states to suspend groundwater monitoring in some cases. They also allow state officials rather than professional engineers to offer technical certifications, and to delay compliance dates for the closure of leaking coal ash ponds and ponds within five feet of groundwater.

If Georgia and other states are approved to regulate coal residuals, Holleman said, it may be more difficult to enforce regulations. Under the current law, coal ash is not defined as hazardous waste, but citizens and environmental groups can sue utilities in order to require them to comply with regulations.

“Right now, a citizen can file a notice of intent to bring a lawsuit. There is a 60-day waiting period. If the utility does not act within 60 days to enforce the regulations, then the citizen can file an enforcement action in the district court,” he said.

Once a state agency is in control, Holleman said, the process will be more onerous and costly. If state agencies write an inadequate permit that does not contain protections, citizens will have to contest it through a state administrative law proceeding. “They will have to do that before they even start trying to enforce the law against the utility,” Holleman explains, “and there may be years of free pollution and violations.”

At Oklahoma public meetings in 2016, Department of Environmental Quality official Jeffrey Shepherd noted that the department “has been told by industry that complying with the state rules may offer some protection from citizen suits.”

Under current federal regulations, permits for coal combustion residuals have no expiration dates, and Evans worries states won’t regularly review permits.

“All coal ash ponds and landfills leak hazardous chemicals,” she said. “Thus Georgia, and every state, must regularly re-examine coal ash disposal permits to determine whether dump sites are being operated in a safe, protective and responsible manner.”

Cown said the state would have authority to revoke a permit if a utility is noncompliant. “Rule making is always a balance between protection and cost, and we believe we’ve offered a balanced rule.”

With former coal lobbyist Andrew Wheeler heading the EPA, advocates expect state applications to continue to be approved. Texas has also applied to regulate coal ash, and Evans expects other coal-reliant states to follow suit.

### **Times**

EPA Rollback of Coal Ash Regulations Could Significantly Impact Little Blue Run

<http://www.timesonline.com/news/20180721/epa-rollback-of-coal-ash-regulations-could-significantly-impact-little-blue-run>

Posted: July 21<sup>st</sup>, 2018 @ 4:00am (updated July 21<sup>st</sup>, 2018 @ 9:29pm) By: Jared Stonesifer

The Environmental Protection Agency on Wednesday enacted sweeping rollbacks on environmental regulations for coal ash impoundments, a decision that could have significant ramifications for the Little Blue facility in western Beaver County.

Wednesday’s decision revises rules implemented in 2015 under former President Barack Obama’s administration. Put simply, the revisions will put more power back into the hands of state governments and the energy industry when it comes to regulating coal ash waste sites.

Energy industry officials and lobbyists had been petitioning the EPA to change the rules since President Donald Trump came into office.

In a news release, Acting EPA Administrator Andrew Wheeler said the revisions will provide more “flexibility” for states and utilities, and could save those entities upward of \$31 million annually in “regulatory costs.”



“These amendments provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected,” Wheeler said. “Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs.”

Specifically, the revisions would allow states to suspend mandatory groundwater monitoring at coal ash sites, if it’s been proven there are no leaks or contaminants present.

Another revision allows for the extension of deadlines for power companies to close and clean-up coal ash sites, while another would give power to state officials to determine compliance issues instead of professionally-licensed engineers.

Jennifer Young, a spokeswoman for FirstEnergy Corp., said company officials are still digesting the implications for the new rules. FirstEnergy owns Little Blue, as it does the Bruce Mansfield coal-fired power plant that, for decades, has disposed of its coal waste at the site in Greene Township.

Little Blue, which straddles the border between Beaver County and West Virginia, is a 900-acre site that opened in the 1970s. The state Department of Environmental Protection ordered the facility closed at the end of 2016, though remediation and closure activities at the site won’t cease until 2029.

In the years leading up to Little Blue’s closure, it handled about 2.5 million tons of coal ash annually. Because of Little Blue’s closure, FirstEnergy now ships its coal ash via barge to a site in Moundsville, W.Va.

On Thursday, Young said the company’s first impression of the revisions is a positive one.

“We think the revised groundwater constituent screening levels are more reasonable for assessing the quality of groundwater beneath our sites,” she said. “In addition, adjusting some closure deadlines to align with potential changes to the Effluent Limitations Guidelines Rule will help with planning and budgeting for effective compliance measures.”

Young added that company officials will continue to review the revisions to determine any further impacts on Little Blue.

While Wednesday’s decision was largely praised by industry officials, it has been derided by a bevy of environmental advocacy groups.

Lisa Hallowell, a senior attorney with the Environmental Integrity Project, in a news release attacked the Trump administration for its environmental rollbacks.

“This indefensible gutting of our nation’s first-ever coal ash pollution control rule cements the shameful environmental legacy of the Trump administration,” she said. “Today’s action opens the door for weakened monitoring and cleanup standards, which means — in no uncertain terms — that the public and the environment on which we all depend will be in harm’s way.”

In addition, a deputy legislative director for the Sierra Club said her organization will not allow the administration to give “carte blanche to well-funded polluters that threaten the water of thousands of communities across our country with their toxic coal ash.”

“We’ll use every means we have to beat back this latest attempt to weaken basic clean water protections for working families, farmers, and outdoor businesses — whose lives and livelihoods are being threatened by coal ash every day,” Dalal Aboulhosn said. “Our work will not be completed until every coal ash pit is properly secured and every local resident has access to an online monitor that confirms it.”

The EPA said Wednesday that the new regulations will be effective in 30 days. The agency also said it intends to propose additional changes to the 2015 rule later this year.

## **EPA Spending Bill**

### **Water Finance and Management**

House Approves EPA Spending Bill

<https://waterfm.com/house-approves-epa-spending-bill/>

Posted: July 23<sup>rd</sup>, 2018 By: WFM Staff

The House of Representatives has approved FY19 appropriations legislation that would provide funding for the U.S. Environmental Protection Agency (EPA) next year. The bill as approved by the House would facilitate billions of dollars’ worth of low-cost water infrastructure loans.

The bill, an Interior and Environment Appropriations bill, contains a total of \$35.3 billion in funding for programs that protect and make the best use of domestic natural resources, that provide investments in infrastructure such as improvements for drinking water systems, and that help protect against and fight devastating wildfires. The bill also makes strides to rein in harmful regulations at the Environmental Protection Agency (EPA).

The appropriations legislation would deliver just over \$8 billion to EPA, a figure that includes \$1.013 billion for the Drinking Water State Revolving Fund (SRF) and \$1.543 billion for the Clean Water SRF. While the amounts provided for each SRF are \$150 million below each program’s FY18 funding levels, they would still represent appropriations well above what each program has typically received in recent years. The legislation includes a provision that would continue to apply “Buy America” restrictions for iron and steel products used on projects funded in whole or in part with SRF funds.

The bill also includes a total of \$77 million for EPA’s Water Infrastructure Finance and Innovation Act (WIFIA) program, which provides low-cost financing for large-scale drinking water and wastewater infrastructure projects. The bill’s WIFIA funding includes \$67 million that could be leveraged into more than \$8 billion worth of loans to communities, plus an additional \$10 million to help EPA administer the program. Lawmakers had originally written the bill to give EPA \$8 billion in administrative funds for WIFIA, but an amendment adopted on the House floor boosted that sum by \$2 million.

“These bills fund vital programs across the federal government, including those that make Americans safer, protect our nation’s resources, and create jobs, especially in America’s small businesses. The package targets resources to programs that will help boost economic growth and opportunity, protect consumers and investors, promote an

efficient federal court system, and help stop financial crime,” House Appropriations Committee Chairman Rodney Frelinghuysen said.

Other amendments adopted on the House floor would direct funding to EPA to carry out the next Clean Watersheds Needs Survey and provide an additional \$10 million to support an EPA grant program aimed at helping communities replace lead service lines.

According to the Association of Metropolitan Water Agencies (AMWA), the Senate could begin consideration of its own FY19 EPA funding bill as soon as this week. That bill, as approved by the Senate Appropriations Committee, would provide slightly higher SRF funding than the House-passed measure, but slightly less WIFIA funding.

## **Ozone**

### **Tri-City Herald**

Ozone Pollution Alerts May Be the New Normal for Tri-Cities. One Starts Sunday

<https://www.tri-cityherald.com/news/local/article215281375.html>

Posted: July 21<sup>st</sup>, 2018 @ 12:21pm (updated July 21<sup>st</sup>, 2018 @ 12:36pm) By: Annette Cary

KENNEWICK, WA - Sunday may not be the best day to mow your lawn.

If you were thinking of making a coffee run, take the time to go inside to order rather than idling in the drive-through.

And you might want to wait until this evening to gas up your car for the coming work week.

Taking extra precautions when unhealthy ozone levels are forecast for the Tri-Cities may be the new normal.

The Washington State Department of Ecology has its eye on a forecast for hot weather and a light breeze from the north that may increase ozone generation and trap it along the Horse Heaven Hills as it builds up Sunday through Monday and possibly Tuesday.

Smoke from wildfires also has been linked to spikes in Tri-City ozone levels.

Ozone in the Earth's upper atmosphere is good, shielding people from harmful ultraviolet radiation.

But high levels near the ground are a health hazard. Ozone can aggravate asthma, inflame and scar lung tissue, and make people more susceptible to bronchitis and pneumonia.

Children, the elderly, people with lung disease and those who work hard or exercise outdoors are most at risk.

After finding unhealthy ozone levels in the Tri-Cities air in 2015 that were nearly as high as those downwind of Seattle, the Department of Ecology launched a study with support from the Benton Clean Air Agency.

The average for 2015 through 2017 exceeded the federal regulatory limit for ozone, which could trigger sanctions from the U.S. Environmental Protection Agency.

The sanctions likely would hit the local economy. They could make getting air quality permits more difficult for new or expanding businesses, or require them to invest in projects that would offset their contribution to the ozone problem.

Representatives of Tri-City-area government agencies, the Department of Ecology, the Benton Clean Air Agency and Ben Franklin Transit met Thursday to start hashing out a strategy.

The consensus was the community needs to be proactive, said Ranil Dhammapala, atmospheric scientist for Ecology's Air Quality Program.

The expectation is that EPA should look favorably on the Tri-Cities if it is already taking steps to reduce ozone, he said.

Local agencies will move ahead with two working groups to develop strategies to promote reducing ozone. One will focus on transportation and the other on industry and growth.

The Environmental Protection Agency recommends waiting until evening to use gas-powered lawnmowers on days when ozone levels are expected to be high. Children, the elderly, people with lung disease and those who work hard or exercise outdoors are most at risk.

Ozone is created when nitrogen oxide and volatile organic compounds mix and then bake in sunlight on hot days.

In the Tri-Cities light breezes from the north carry pollutants in the air until they dam up against the Horse Heaven Hills, trapping the pollution and baking them in the heat to create ozone.

The chemicals that create ozone can come from the exhaust of motor vehicles and gasoline vapors. They also can come from industrial facilities.

Avoid excess idling of cars, particularly on days where high ozone levels are expected, recommends the Environmental Protection Agency.

The Tri-Cities is technically out of compliance with federal regulations now, but it won't be legally noncompliant until the EPA next reconsiders its designation for the area.

If EPA follows the schedule it historically uses, it will reconsider whether the Tri-Cities is in compliance with ozone levels in 2022.

Because federal standards are based on an average of the highest ozone days each year, reducing activities that can lead to ozone production on days when ozone levels are expected to be high can help the Tri-Cities' standing with the EPA.

The EPA recommends avoiding excessive idling of cars, postponing car trips and deferring lawn work that uses gasoline-powered equipment until evening. Cars should be refueled in the evening when it is cooler because gasoline fumes escape when a car is filled.

## **Wastewater**

## **Kallanish Energy**

EPA, New Mexico to Look at Drilling Wastewater Re-use

<http://www.kallanishenergy.com/2018/07/23/epa-new-mexico-to-look-at-drilling-wastewater-re-use/>

Posted: July 23<sup>rd</sup>, 2018

The U.S. Environmental Protection Agency has entered into an agreement with the state of New Mexico to clarify existing regulatory and permitting rules related to the way wastewater from oil and natural gas drilling can be re-used, recycled and renewed for other purposes, Kallanish Energy reports.

Under the new Memorandum of Understanding, a workgroup will be convened to develop a white paper that synthesizes existing regulatory framework under federal and state law in New Mexico and identifies potential opportunities for treated produced water for beneficial use.

The goal through the federal-state partnership is to create new opportunities to provide safe water to water-scarce communities, officials said.

"While underground injection certainly has its utility and place, alternatives are available that treat wastewater from oil and natural gas extraction for re-introduction into the hydrologic cycle which is especially important in arid areas suffering from drought like New Mexico," said EPA spokesman David P. Ross, in a statement.

New Mexico is the third-largest oil-producing state in the U.S. In 2017, it produced a record 470,000 barrels of crude oil per day from the Permian Basin and other locations.

In 2017, New Mexico produced about 900 million barrels of wastewater, most of which was disposed of in underground injection wells, permanently removing it from the hydrological cycle.

"New Mexico is currently the third largest oil producer in the United States and that oil is accompanied by even larger quantities of water. Clarifying the state and federal regulatory frameworks associated with its recycling and reuse is of the utmost importance," said New Mexico's Energy, Minerals and Natural Resources cabinet secretary Ken McQueen, in a statement.

"Reuse of this water in appropriate applications has the potential to relieve the growing demand on our ground and surface water sources. For that reason alone, this effort makes absolute sense," said New Mexico State Engineer Tom Blaine.

For more information, go to [www.epa.gov/eg/study-oil-and-gas-extraction-wastewater-management](http://www.epa.gov/eg/study-oil-and-gas-extraction-wastewater-management).

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**Subject:** April 26 -- E&E News PM is ready

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# E&E NEWS PM

AN E&E NEWS PUBLICATION

**E&E NEWS PM — Thu., April 26, 2018**



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## 1. EPA:

### **First-class travel became 'distraction' — Pruitt**

EPA Administrator Scott Pruitt tried to win lawmakers' confidence today with assurances that he's already made changes in response to allegations of pricey travel and security expenses.

## THIS AFTERNOON'S STORIES

### 2. WILD HORSES:

#### **Long-awaited BLM report to Congress hints at need for euthanasia**

### 3. OIL AND GAS:

#### **BLM illegally leased parcels near Colo. school — lawsuit**

### 4. POLITICS:

#### **GOP senator to think tank: 'Not all regulations are bad'**

### 5. PUBLIC LANDS:

#### **Zinke extends mining ban in bighorn sheep range**

### 6. BIOFUELS:

#### **'Win-win' deal lacks votes — Cruz**

### 7. OIL AND GAS:

#### **Wis. refinery explosion sends at least 10 to hospital**

## UPCOMING HEARINGS AND MARKUPS

### 8. CALENDAR:

#### **Activity for April 23 - April 29, 2018**

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**Subject:** AO/IO Travel Budget Update  
**Attachments:** Attachment 1 - IO FY 17 Travel Estimate.xlsx; ATT00001.htm

Ryan

Kevin mentioned you asked about travel dollars. Working with Kevin and the travel team I've attached our estimate for the remainder of FY17 and current available balance.

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

No assistance needed now but will keep you informed. Please let me know if you have any questions.

Best



Reggie

***Reginald E. Allen, SES***

*Assistant Deputy Chief of Staff*

*U.S. Environmental Protection Agency*

*Office 202-564-0444*

*Direct 202-564-1029*

Message

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*Due to the volume of published articles, today's clips wrap will only include headlines and links. If you would like the full text of any individual article, please contact myself ([hassell.emily@epa.gov](mailto:hassell.emily@epa.gov)) or Ariel Keklak ([keklak.ariel@epa.gov](mailto:keklak.ariel@epa.gov)) and we will send that to you as soon as possible.*

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- [Administrator Pruitt on Capitol Hill](#)
- [Administrator Pruitt Coverage \(Other\)](#)
- [EPA Policy on Scientific Studies](#)
- [General](#)

***EPA Policy on Scientific Studies***

**Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/pruitt-defends-limits-on-epas-use-of-outside-science-1118711>

**Pruitt defends limits on EPA's use of outside science**

By Annie Snider, 4/26/18, 12:40 PM

**Daily Caller**

<http://dailycaller.com/2018/04/25/scott-pruitts-transparency-rule-science/>

**Scott Pruitt's Transparency Rule Will Shed Light On A Key Aspect EPA Regulations**

By Michael Bastasch, 4/25/18, 2:39 PM

**E&E Greenwire**

<https://www.eenews.net/greenwire/stories/1060080209/search?keyword=EPA>

**Pruitt signed 'secret science' plan before OMB ended review**

By Sean Reilly, 4/26/18

**Daily Caller**

<http://dailycaller.com/2018/04/26/pruitt-shuts-down-one-common-argument-against-his-secret-science-rule/>

**Pruitt Shuts Down One Common Argument Against His Secret Science Rule**

By Chris White, 4/26/18, 12:01 PM

**BNA**

[http://esweb.bna.com/eslw/display/no\\_alpha.adp?mode=si&frag\\_id=132827959&item=408&prod=deln&cat=AGENCY](http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=132827959&item=408&prod=deln&cat=AGENCY)

**EPA Plan to Limit Science Use May Undercut Air, Climate Programs**

By Jennifer Lu and Abby Smith, 4/26/18

**ABC News**

<http://abcnews.go.com/Politics/pruitt-epa-stop-basing-rules-calls-secret-science/story?id=54698926>

**Pruitt wants EPA to stop basing rules on what he calls 'secret science'**

By Stephanie Ebbs, 4/24/18, 6:56 PM

### **The Hill**

<http://thehill.com/opinion/energy-environment/385030-time-to-end-secret-science-at-epa>

#### **Time to end secret science at EPA (\*Op-Ed)**

By Jenny Beth Martin, 4/26/18, 2:00 PM

### **The Hill**

<http://thehill.com/opinion/energy-environment/384893-epa-opts-for-accountability-and-transparency-in-environmental>

#### **EPA opts for accountability and transparency in environmental science (\*Op-Ed)**

By Terry M. Jarrett, 4/25/18, 5:45 PM

### ***General***

### **AP**

[https://apnews.com/273e0aa1350640a29fb67f430f3685ae/EPA-awards-Indiana-\\$2.3M-in-grants-for-industrial-cleanups](https://apnews.com/273e0aa1350640a29fb67f430f3685ae/EPA-awards-Indiana-$2.3M-in-grants-for-industrial-cleanups)

#### **EPA awards Indiana \$2.3M in grants for industrial cleanups**

4/26/18

### **AP**

[https://apnews.com/f8e6c4dd179147fa8a774966929bdf11/6-towns-getting-\\$700K-in-EPA-grants-to-clean-up-sites](https://apnews.com/f8e6c4dd179147fa8a774966929bdf11/6-towns-getting-$700K-in-EPA-grants-to-clean-up-sites)

#### **6 towns getting \$700K in EPA grants to clean up sites**

4/26/18

### **Daily Caller**

<http://dailycaller.com/2018/04/26/earth-day-2018-was-about-plastic-pollution-but-greens-missed-the-target/>

#### **Earth Day 2018 Was About Plastic Pollution—But Greens Missed the Target (\*Op-Ed)**

By Steve Goreham, 4/26/18, 3:18 PM

### **The Hill**

<http://thehill.com/opinion/white-house/384985-blue-wave-voters-will-drain-the-swamp-wave-republicans>

#### **Blue-wave voters will drain the swamp-wave Republicans (\*Op-Ed)**

By Brent Budowsky, 4/26/18, 10:45 AM

### ***Administrator Pruitt Coverage (Other)***

### **Daily Caller**

<http://dailycaller.com/2018/04/25/scott-pruitt-email-account-lisa-jackson-false-identity/>

#### **Scott Pruitt's Email Account Is Nothing Like Obama-Era Predecessor's — She Created A False Identity**

By Michael Bastasch, 4/25/18, 10:25 PM

### **The Hill**

<http://thehill.com/policy/energy-environment/384927-ig-investigations-cast-shadow-over-scott-pruitt>

#### **IG investigations cast shadow over Scott Pruitt**

By Timothy Cama, 4/26/18, 6:00 AM

### **Washington Examiner**

<https://www.washingtonexaminer.com/news/congress/paul-ryan-defends-trumps-darn-good-cabinet>

#### **Paul Ryan defends Trump's 'darn good' Cabinet**

By Susan Ferrechio, 4/26/18, 12:32 PM

### **Washington Post**

[https://www.washingtonpost.com/news/the-fix/wp/2018/04/25/the-white-house-is-abandoning-scott-pruitt/?utm\\_term=.8fd695eb994c](https://www.washingtonpost.com/news/the-fix/wp/2018/04/25/the-white-house-is-abandoning-scott-pruitt/?utm_term=.8fd695eb994c)

#### **The White House is abandoning Scott Pruitt**

By Callum Borchers, 4/25/18, 4:02 PM

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[https://www.nytimes.com/2018/04/26/climate/countries-responsible-global-warming.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream\\_unit&version=latest&contentPlacement=2&pgtype=collection](https://www.nytimes.com/2018/04/26/climate/countries-responsible-global-warming.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=2&pgtype=collection)

#### **Who's Most Responsible for Global Warming?**

By Lisa Friedman, Nadja Popovich, and Henry Fountain, 4/26/18

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<http://www.foxnews.com/politics/2018/04/26/scott-pruitts-time-as-epa-administrator-dogged-by-questions-about-first-class-travel-pay-raises.html>

#### **Scott Pruitt's time as EPA administrator dogged by questions about first-class travel, pay raises**

By Kaitlyn Schallhorn, 4/26/18

### **Washington Examiner**

<https://www.washingtonexaminer.com/opinion/a-quick-catalog-of-all-the-worst-scott-pruitt-scandals>

#### **A quick catalog of all the worst Scott Pruitt scandals (\*Op-Ed)**

By Philip Wegmann, 4/26/18, 1:37 PM

### **The Hill**

<http://thehill.com/opinion/energy-environment/384908-former-epa-administrator-scandals-aside-pruitt-must-answer-for-his>

#### **Former EPA administrator: Scandals aside, Pruitt must answer for his actions at agency (\*Op-Ed)**

By Carol M. Browner, 4/26/18, 6:00 AM

### **New York Times**

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#### **Trump's 'Best People' Are the Worst (\*Editorial)**

By The Editorial Board, 4/25/18

### ***Administrator Pruitt on Capitol Hill***

### **Fox News**

<http://www.foxnews.com/politics/2018/04/26/pruitt-admits-knowing-about-controversial-raise-despite-past-denial.html>

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By Barnini Chakraborty, 4/26/18

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<http://thehill.com/policy/energy-environment/385054-dem-inspector-general-disputed-pruitts-claims-of-death-threats>

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By Timothy Cama, 4/26/18, 3:13 PM

### **Politico**

<https://www.politico.com/story/2018/04/26/scott-pruitt-congress-hearing-555152>

#### **'I have nothing to hide' Pruitt tells angry Congress**

By Anthony Adragna, Annie Snider, and Alex Guillen, 4/26/18, 2:56 PM

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By Emily Holden and Annie Snider, 4/26/18, 3:17 PM

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<http://dailycaller.com/2018/04/26/scott-pruitt-lying-pay-raises-epa-reporters-jumping-gun/>

**Reporters Claim Pruitt Admitted To Lying About Pay Raises — They're Jumping The Gun**

By Chris White, 4/26/18, 2:20 PM

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By Anthony Adragna, 4/26/18, 2:39 PM

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**Scott Pruitt Takes All the Credit and None of the Blame for His Scandal-Filled Time at the EPA**

By Rebecca Leber, 4/26/18, 1:45 PM

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**Lawmakers Express Concerns Over Pruitt's Capability: 'You Are Unfit to Hold Public Office'**

By Kelcey Caulder, 4/26/18, 2:09 PM

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**Members' support of Pruitt falls along party lines**

\*Video

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**SCOTT PRUITT CONTRADICTS PREVIOUS STATEMENTS, ADMITS HE KNEW OF RAISES GIVEN TO AIDES**

By Josh Keefe, 4/26/18, 2:27 PM

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**Scott Pruitt downplays his role in questionable spending, hiring practices at EPA**

By Josh Siegel, 4/26/18, 2:02 PM

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<http://dailycaller.com/2018/04/26/scott-pruitt-house-hearings/>

**Pruitt Addresses Critics In House Hearing: 'Let's Have No Illusions As To What's Going On Here'**

By Michael Bastasch, 4/26/18, 1:23 PM

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**Scott Pruitt admits role in aide's pay raise but calls attacks on him politically motivated**

By Brady Dennis and Juliet Eilperin, 4/26/18, 1:36 PM

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[https://www.washingtonpost.com/news/the-fix/wp/2018/04/26/5-takeaways-from-scott-pruitts-grilling-in-congress/?utm\\_term=.897fecabf191](https://www.washingtonpost.com/news/the-fix/wp/2018/04/26/5-takeaways-from-scott-pruitts-grilling-in-congress/?utm_term=.897fecabf191)

**5 takeaways from Scott Pruitt's grilling in Congress**

By Amber Phillips, 4/26/18, 1:30 PM

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<https://www.eenews.net/greenwire/stories/1060080215/search?keyword=EPA>

**'I have nothing to hide' — Pruitt**

By Kevin Bogardus, 4/26/18

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**Pruitt says ambassador invited him to Morocco**

By Emily Holden, 4/26/18, 2:23 PM

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**Pruitt says it's 'rare' for him to use private phone booth**

By Anthony Adragna, 4/26/18, 1:43 PM

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**'Embarrassment' or 'McCarthyism': Key moments as Pruitt faces lawmakers**

By Quint Forgey, Anthony Adragna, Alex Guillen, and Annie Snider, 4/26/18, 1:40 PM

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**Lawmakers grill EPA Administrator Scott Pruitt over ethics scandals, spending**

By Rebecca Shabad, 4/26/18, 2:20 PM

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[https://www.huffingtonpost.com/entry/scott-pruitt-hearing\\_us\\_5ae1fe64e4b055fd7fc983f9](https://www.huffingtonpost.com/entry/scott-pruitt-hearing_us_5ae1fe64e4b055fd7fc983f9)

**Republicans Brush Aside Scandals At Scott Pruitt Hearing**

By Alexander C Kaufman, 4/26/18, 1:43 PM

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**Rep. Kaptur Says EPA Chief Abusing Public Privilege**

\*Video

**The Hill**

<http://thehill.com/policy/energy-environment/385026-epa-chief-reads-threats-hes-received-to-lawmakers>

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By Miranda Green, 4/26/18, 1:19 PM

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#### **Pruitt Says Attacks Are Driven by Opposition to Trump**

By Heidi Vogt and Louise Radnofsky, 4/26/18, 12:09 PM

### **Politico**

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#### **Pruitt can't say if top aide worked for 3 months**

By Alex Guillen, 4/26/18, 1:15 PM

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#### **Embattled but defiant, EPA Administrator Scott Pruitt tells Congress he has 'nothing to hide'**

By Ledyard Kind, 4/26/18, 1:12 PM

### **USA Today**

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#### **Pruitt Faces Make or Break Capitol Hill Hearings**

\*Video

### **Environmental Defense Fund**

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#### **Pruitt Plays the Victim, Avoids Taking Responsibility**

By Elgie Holstein, 4/26/18

### **Federal News Radio**

<https://federalnewsradio.com/hearings-oversight/2018/04/pruitt-facing-10-federal-probes-tells-lawmakers-i-have-nothing-to-hide/>

#### **Pruitt, facing 10 federal probes, tells lawmakers: 'I have nothing to hide'**

By Jory Heckman, 4/26/18, 12:28 PM

### **Los Angeles Times**

<http://www.latimes.com/politics/la-na-pol-pruitt-congress-20180425-story.html>

#### **On Capitol Hill, EPA chief blames his troubles on conspiracy against Trump agenda**

By Evan Halper, 4/26/18, 9:00 AM

### **PBS**

<https://www.pbs.org/newshour/politics/epa-chief-scott-pruitt-says-he-did-know-about-pay-raises>

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4/26/18, 11:39 AM

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#### **Scott Pruitt says he's still mulling California's waiver for fuel-efficiency rules**

By Josh Siegel, 4/26/18, 12:37 PM

### **Daily Caller**

<http://dailycaller.com/2018/04/26/pruitt-attacks-media-energy-hearing/>

#### **Pruitt Attacks 'Half Truths' And 'Twisted' Stories During Energy Hearing**

By Amber Athey, 4/26/18, 12:04 PM

#### **Washington Post**

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#### **Scott Pruitt pushes back hard, saying attacks on him are intended 'to derail the president's agenda'**

By Brady Dennis and Juliet Eilperin, 4/26/18, 12:40 PM

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#### **Pruitt says he did not approve \$43,000 soundproof phone booth**

\*Video

#### **Politico**

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#### **Pruitt won't say if he's remorseful for wasteful spending**

By Anthony Adragna, 4/26/18, 12:49 PM

#### **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/pruitt-denies-retaliation-against-employees-promises-to-respect-whistleblowers-1119359>

#### **Pruitt denies retaliation against employees, promises to respect whistleblowers**

By Alex Guillen, 4/26/18, 12:43 PM

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#### **Pruitt blames career EPA staff for privacy booth**

By Anthony Adragna, 4/26/18, 12:13 PM

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<https://www.politicopro.com/energy/whiteboard/2018/04/pruitt-epa-not-going-after-californias-waiver-at-present-1117886>

#### **Pruitt: EPA not going after California's waiver 'at present'**

By Anthony Adragna, 4/26/18, 12:04 PM

#### **Bloomberg**

<https://www.bloomberg.com/news/articles/2018-04-26/pruitt-s-challenge-convince-congress-he-should-keep-epa-job>

#### **Lawmakers Sharply Question Pruitt With EPA Job on the Line**

By Jennifer A Dlouhy and Ari Natter, 4/26/18, 4:00 AM

#### **Reuters**

<https://www.reuters.com/article/us-usa-epa-pruitt/epa-chief-pruitt-tells-lawmakers-ethics-charges-are-distractions-lies-idUSKBN1HXOGQ>

#### **EPA chief Pruitt tells lawmakers ethics charges are distractions, lies**

By Valerie Volcovici and Richard Cowan, 4/26/18, 1:07 AM

#### **CNN**

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#### **Pruitt: I was not aware of raise amounts**

\*Video



## **CNN**

<https://www.cnn.com/2018/04/26/politics/epa-administrator-scott-pruitt-sound-proof-booth-scif/index.html>

### **Pruitt backtracks on explanation of privacy booth**

By Gregory Wallace, 4/26/18, 12:36 PM

## **CNN**

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### **Lawmaker to Pruitt: Do you have any remorse?**

\*Video

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\*Live Updates

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By Michael Biesecker and Ellen Knickmeyer, 4/26/18

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### **Pruitt fears White House undermining him ahead of hearings**

By Kaitlan Collins, Kevin Liptak, and Jeff Zeleny, 4/26/18, 9:26 AM

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<https://www.cnn.com/2018/04/26/politics/pruitt-house-hearings/index.html>

### **Lawmakers grilling EPA chief Scott Pruitt: 'You are unfit to hold public office'**

By Ashley Killough and Deirdre Walsh, 4/26/18, 11:00 AM

## **ABC News**

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### **Amid reports of misconduct, Pruitt faces House panels: Live updates**

By Stephanie Ebbs and Lucien Bruggeman, 4/26/18, 12:32 PM

## **Politico**

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### **Shimkus: Committee 'cannot ignore' Pruitt scandals**

By Nick Juliano, 4/26/18, 10:11 AM

## **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/pruitt-faces-bipartisan-calls-for-answers-1116852>

### **Pruitt faces bipartisan calls for answers**

By Alex Guillen, Annie Snider, and Anthony Adragna, 4/26/18, 10:29 AM

## **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/pruitt-i-have-nothing-to-hide-1116905>

### **Pruitt: 'I have nothing to hide'**

By Anthony Adragna and Annie Snider, 4/26/18, 10:36 AM

## **Politico**

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## **'I have nothing to hide' Pruitt tells angry Congress**

By Anthony Adragna, Annie Snider, and Alex Guillen, 4/26/18, 12:23 PM

### **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/pruitt-says-he-authorized-raises-did-not-know-white-house-was-circumvented-1117009>

## **Pruitt says he authorized raises, did not know White House was circumvented**

By Emily Holden, 4/26/18, 10:54 AM

### **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/pallone-calls-pruitt-an-embarrassment-to-trump-1117410>

## **Pallone calls Pruitt an 'embarrassment' to Trump**

By Anthony Adragna, 4/26/18, 10:56 AM

### **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/republicans-say-pruitts-a-victim-of-political-attacks-1117466>

## **Republicans say Pruitt's a victim of political attacks**

By Anthony Adragna and Alex Guillen, 4/26/18, 11:06 AM

### **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/pruitt-kelly-should-share-banking-ban-details-with-lawmakers-1117467>

## **Pruitt: Kelly should share banking ban details with lawmakers**

By Alex Guillen, 4/26/18, 11:18 PM

### **Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/johnson-calls-democratic-attacks-on-pruitt-shameful-1117880>

## **Johnson calls Democratic attacks on Pruitt 'shameful'**

By Anthony Adragna, 4/26/18, 11:35 MA

### **New York Times**

[https://www.nytimes.com/2018/04/26/climate/scott-pruitt-congress-hearing.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream\\_unit&version=latest&contentPlacement=2&pgtype=collection](https://www.nytimes.com/2018/04/26/climate/scott-pruitt-congress-hearing.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=2&pgtype=collection)

## **Scott Pruitt, Under an Ethics Cloud, Faces Lawmakers**

By John Schwartz and Coral Davenport, 4/26/18, Live Updates

### **Wall Street Journal**

<https://www.wsj.com/articles/pruitt-says-attacks-are-driven-by-opposition-to-trump-1524754373?mod=searchresults&page=1&pos=1>

## **Pruitt Says Attacks Are Driven by Opposition to Trump**

By Heidi Vogt and Louise Radnofsky, 4/26/18, 12:09 PM

### **The Hill**

<http://thehill.com/policy/energy-environment/385000-protesters-at-hearing-hoist-mr-corruption-signs-behind-pruitt>

## **Protesters at hearing hoist 'Mr. Corruption' signs behind Pruitt**

By Timothy Cama, 4/26/18, 11:06 AM

### **The Hill**

<http://thehill.com/policy/energy-environment/385004-pruitt-epa-staff-was-given-authority-to-approve-raises-for-staffers>

## **Pruitt: EPA staff was given authority to approve raises for staffers**

By Timothy Cama and Brett Samuels, 4/26/18, 11:32 AM

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<http://thehill.com/policy/energy-environment/385006-pruitt-epa-lawyers-said-privacy-booth-was-legal>

**Pruitt: EPA lawyers said privacy booth was legal**

By Timothy Cama, 4/26/18, 11:46 AM

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[https://www.washingtonpost.com/video/politics/pruitt-on-ethics-issues-i-have-nothing-to-hide/2018/04/26/dc9e4ac6-495e-11e8-8082-105a446d19b8\\_video.html?utm\\_term=.a92374f75a68](https://www.washingtonpost.com/video/politics/pruitt-on-ethics-issues-i-have-nothing-to-hide/2018/04/26/dc9e4ac6-495e-11e8-8082-105a446d19b8_video.html?utm_term=.a92374f75a68)

**Pruitt on ethics issues: 'I have nothing to hide'**

\*Video

**Washington Post**

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**Pallone: Pruitt 'unfit to hold public office'**

\*Video

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[https://www.washingtonpost.com/video/politics/mckinley-focus-on-pruitt-ethics-classic-display-of-innuendo-and-mccarthyism/2018/04/26/ec019bb2-4963-11e8-8082-105a446d19b8\\_video.html?utm\\_term=.bc84e30f7a52](https://www.washingtonpost.com/video/politics/mckinley-focus-on-pruitt-ethics-classic-display-of-innuendo-and-mccarthyism/2018/04/26/ec019bb2-4963-11e8-8082-105a446d19b8_video.html?utm_term=.bc84e30f7a52)

**McKinley: Focus on Pruitt ethics 'classic display of innuendo and McCarthyism'**

\*Video

**Washington Post**

[https://www.washingtonpost.com/video/politics/pruitt-contradicts-earlier-statements-says-he-was-aware-of-epa-raises/2018/04/26/7b0512dc-4967-11e8-8082-105a446d19b8\\_video.html?utm\\_term=.39608550e961](https://www.washingtonpost.com/video/politics/pruitt-contradicts-earlier-statements-says-he-was-aware-of-epa-raises/2018/04/26/7b0512dc-4967-11e8-8082-105a446d19b8_video.html?utm_term=.39608550e961)

**Pruitt contradicts earlier statements, says he was aware of EPA raises**

\*Video

**Washington Post**

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**Scott Pruitt pushes back hard, saying attacks on him are intended 'to derail the president's agenda'**

By Brady Dennis and Juliet Eilperin, 4/26/18, 12:40 PM

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<https://www.washingtonexaminer.com/policy/energy/paul-tonko-calls-scott-pruitt-a-skilled-grifter-not-above-the-law>

**Paul Tonko calls Scott Pruitt a skilled grifter not 'above the law'**

By John Siciliano, 4/26/18, 10:46 AM

**Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/republican-offers-epas-scott-pruitt-the-party-jet-defense>

**Republican offers EPA's Scott Pruitt the 'party jet' defense**

By John Siciliano, 4/26/18, 11:13 AM

**Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/scott-pruitt-tells-congress-he-has-nothing-to-hide-vows-to-take-responsibility-for-actions>

**Scott Pruitt tells Congress he has 'nothing to hide,' vows to 'take responsibility' for actions**

By Josh Siegel, 4/26/18, 11:07 AM

### **Washington Examiner**

<https://www.washingtonexaminer.com/news/watch-live-epa-chief-scott-pruitt-testifies-before-congress>

#### **WATCH LIVE: EPA chief Scott Pruitt testifies before Congress**

\*Video

### **Dallas News**

<https://www.dallasnews.com/news/politics/2018/04/26/senior-texas-republican-says-embattled-epa-chief-victim-washington-politics>

#### **EPA chief Scott Pruitt is victim of 'Washington politics,' says senior Texas Republican**

By Tom Benning, 4/26/18, 11:15 AM

### **AP**

<https://apnews.com/ba43c1beb076406b8a489d0f42918d1b/Facing-Congress,-EPA-chief-doesn't-appear-ready-to-apologize>

#### **Facing Congress, EPA chief doesn't appear ready to apologize**

By Matthew Daly, 4/26/18

### **AP**

<https://apnews.com/5785624665cf4f0d846c71047a5bc2b1/EPA-chief-faces-Capitol-Hill-grilling-over-ethical-missteps>

#### **EPA chief faces Capitol Hill grilling over ethical missteps**

By Michael Biesecker and Ellen Knickmeyer, 4/26/18

### **Bloomberg**

<https://www.bloomberg.com/news/articles/2018-04-26/pruitt-s-challenge-convince-congress-he-should-keep-epa-job>

#### **Pruitt's Challenge: Convince Congress He Should Keep EPA Job**

By Jennifer A Dlouhy and Ari Natter, 4/26/18, 4:00 AM

### **New York Times**

<https://www.nytimes.com/2018/04/26/climate/scott-pruitt-congress-hearing.html>

#### **Scott Pruitt, Under an Ethics Cloud, Faces Lawmakers (\*Continuing Live Updates)**

By John Schwartz and Coral Davenport, 4/26/18, Last Update: 11:29 AM

### **The Hill**

<http://thehill.com/policy/energy-environment/384946-make-or-break-moment-for-epa-chief-pruitt>

#### **Make-or-break moment for EPA chief Pruitt**

By Timothy Cama and Miranda Green, 4/25/18, 8:36 PM

### **ABC News**

<http://abcnews.go.com/Politics/epa-chiefs-home-state-republican-ally-supports-pruitt/story?id=54716586>

#### **EPA chief's home-state Republican ally says he supports Pruitt but wants answers**

By Stephanie Ebbs, 4/25/18, 5:08 PM

### **The Hill**

<http://thehill.com/policy/energy-environment/384875-gop-lawmaker-wants-to-hear-contrition-from-pruitt>

#### **GOP lawmaker wants 'contrition' from Pruitt**

By Luis Sanchez, 4/25/18, 4:00 PM

### **ABC News**

<http://abcnews.go.com/Politics/scott-pruitts-prep-document-hot-topics-ready-ahead/story?id=54732544>

#### **Scott Pruitt's prep document of 'hot topics' ready ahead of congressional hearings**

By John Santucci and Stephanie Ebbs, 4/25/18, 6:16 PM

### **ABC News**

<http://abcnews.go.com/Politics/abuse-taxpayer-money-gops-kennedy-pruitt/story?id=54724202>

**'You can't abuse taxpayer money': GOP's Kennedy on Pruitt**

By John Verhovek, 4/25/18, 10:26 PM

**Washington Post**

[https://www.washingtonpost.com/national/health-science/scott-pruitt-heads-to-capitol-hill-as-white-house-probes-signal-his-shaky-status/2018/04/25/dc87aeec-4896-11e8-8b5a-3b1697adcc2a\\_story.html?utm\\_term=.1d5dd3940868](https://www.washingtonpost.com/national/health-science/scott-pruitt-heads-to-capitol-hill-as-white-house-probes-signal-his-shaky-status/2018/04/25/dc87aeec-4896-11e8-8b5a-3b1697adcc2a_story.html?utm_term=.1d5dd3940868)

**Scott Pruitt heads to Capitol Hill as White House probes signal his shaky status**

By Juliet Eilperin, Brady Dennis, and Josh Dawsey, 4/25/18, 8:10 PM

**Washington Post**

[https://www.washingtonpost.com/news/energy-environment/wp/2018/04/26/scott-pruitt-braces-for-tough-questions-at-double-hearings-on-capitol-hill/?utm\\_term=.16d5615252ec](https://www.washingtonpost.com/news/energy-environment/wp/2018/04/26/scott-pruitt-braces-for-tough-questions-at-double-hearings-on-capitol-hill/?utm_term=.16d5615252ec)

**Lawmakers from both parties quickly tell Scott Pruitt he has to address damaging reports**

By Brady Dennis and Juliet Eilperin, 4/26/18, 10:30 AM

**NBC News**

<https://www.nbcnews.com/politics/congress/support-pruitt-wanes-he-takes-hot-seat-capitol-hill-n869166>

**Support for Pruitt wanes as he takes the hot seat on Capitol Hill**

By Leigh Ann Caldwell, Hallie Jackson, and Alex Moe, 4/26/18, 12:00 AM, UPDATED 10:25 AM

**CBS News**

<https://www.cbsnews.com/news/epa-administrator-scott-pruitt-faces-grilling-on-capitol-hill-live-stream/>

**Embattled EPA administrator Scott Pruitt faces grilling on Capitol Hill -- live stream**

4/26/18, 10:00 AM, UPDATED 10:27 AM

**Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/scott-pruitt-faces-capitol-hill-grilling>

**Scott Pruitt faces Capitol Hill grilling**

By Josh Siegel, 4/26/18, 12:01 AM

**Wall Street Journal**

<https://www.wsj.com/articles/epa-administrator-faces-grilling-on-capitol-hill-1524699106?mod=searchresults&page=1&pos=5>

**EPA Chief Scott Pruitt Faces Grilling on Capitol Hill**

By Louise Radnofsky and Heidi Vogt, 4/25/18, 7:31 PM

**Wall Street Journal**

<https://www.wsj.com/articles/five-things-lawmakers-are-likely-to-ask-scott-pruitt-about-1524700335?mod=searchresults&page=1&pos=4>

**Five Things Lawmakers Are Likely to Ask Scott Pruitt About**

By Louise Radnofsky and Heidi Vogt, 4/25/18, 7:52 PM

**Politico**

<https://www.politicopro.com/energy/article/2018/04/it-could-be-pretty-painful-when-pruitt-faces-congress-502055>

**'It could be pretty painful' when Pruitt faces Congress**

By Anthony Adragna and Nancy Cook, 4/25/18, 5:31 PM

**Politico**

<https://www.politicopro.com/energy/whiteboard/2018/04/the-problems-with-pruitt-1116378>

**Special report: The problems with Pruitt**

By Emily Holden, Alex Guillen, Lily Mihalik, and Kelsey Tamborrino, 4/25/18, 9:17 PM

**Reuters**

<https://www.reuters.com/article/us-usa-epa-pruitt/epa-chief-pruitt-faces-congressional-grilling-on-spending-ethics-idUSKBN1HX0GQ>

**EPA chief Pruitt faces congressional grilling on spending, ethics**

By Valerie Volcovici and Richard Cowan, 4/26/18, 1:07 AM

Message

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**From:** Block, Molly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=60D0C681A16441A0B4FA16AA2DD4B9C5-BLOCK, MOLL]  
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**Subject:** EPA News Highlights 6.14.18

**Attachments:** EPA News Highlights 6.14.18.docx

## **EPA News Highlights 6.14.18**

### **WMAC: EPA Sets June PFAS Event in New Hampshire**

The U.S. Environmental Protection Agency is inviting Vermonters to attend a regional summit on unregulated PFAS chemicals later this month in New Hampshire. Following a summit in Washington D.C. in May, the EPA has scheduled a two-day event in Exeter, New Hampshire to hear from people affected by PFAS chemicals. Communities like Merrimack, New Hampshire and Bennington, Vermont have been dealing with water sources contaminated with PFOA. It's the same compound that's been found in wells in Hoosick Falls and Petersburg, New York, and part of a larger group of chemicals that remains unregulated at the federal level.

### **Reuters: U.S. Judge Orders EPA to Limit Pollution into New York, Connecticut**

A federal judge on Wednesday ordered the U.S. Environmental Protection Agency to take steps to curb ozone pollution that blows into New York and Connecticut from five other states. An EPA spokeswoman said the agency intends to propose this month, and make final by December, "an action that will address any remaining good neighbor obligations related to the 2008 ozone standard for these and other states."

### **Montana Public Radio: Butte Locals Dive Into Draft Superfund Cleanup Plan**

Tuesday night the Environmental Protection Agency organized what it called a "public availability session and workshop" in Butte to give locals a different kind of opportunity to learn about the proposed Superfund cleanup that was unveiled last month. The top floor of the Butte-Silver Bow Public Archives was buzzing after hours with about 20 folks like Suzanne Stefanac. Members of the public who are really interested in Superfund. "As a Butte native, I really care about how this all settles out, Stefanac said, "and I think it's great that so many people do care in town, and the various entities that are involved are responsive. They put together an event like this - where you can actually come in as a regular citizen."

### **Tulsa World: U.S. Sen. Jim Inhofe: Unless Scott Pruitt can change management problems, one alternative 'would be for him to leave that job'**

Longtime Scott Pruitt supporter U.S. Sen. Jim Inhofe on Wednesday said on a national talk radio show that Pruitt needs to put management problems behind him, otherwise one of the alternatives "would be for him to leave that job." Inhofe made the remark during an appearance on the "Laura Ingraham Show" on Wednesday. However, the Washington Post reported that Inhofe said in a separate interview with the paper that he was not calling on Pruitt to resign.

### **Washington Post: Sen. Inhofe Criticizes Scott Pruitt, Wants Face-To-Face Meeting with Embattled EPA Chief**

Sen. James M. Inhofe (R-Okla.) said in an interview Wednesday that he has requested a face-to-face meeting with Environmental Protection Agency Administrator Scott Pruitt to discuss the allegations of ethical misconduct dogging him, saying that Pruitt would be "in a very awkward position not to answer to me, and to answer me truthfully," if they sat down together. Speaking earlier in the day to conservative talk radio show host Laura Ingraham, Inhofe said that Pruitt needs to put the management problems that have come to mark his tenure behind him, otherwise one of the alternatives would be "for him to leave that job." In an interview with The Washington Post, however, Inhofe said he was not calling on Pruitt to resign. On Wednesday, Ingraham called on the EPA administrator to quit in the wake of a Post report that he had tasked a top aide with soliciting job offers for his wife from Republican donors.

### **Axios: Senator Inhofe Issues Sharp Warning to Scott Pruitt, Seeks Meeting**



Senator James Inhofe (R-Okla.) warned embattled Environmental Protection Agency Administrator Scott Pruitt Wednesday that he may have to resign citing mounting ethics scandals. Speaking on Wednesday in a radio interview with conservative pundit Laura Ingraham, who herself has called for Pruitt to step down, Inhofe said the administrator "has really done some things that surprised me." An option for him to fix things, Inhofe said, "would be for him to leave that job."

#### Politico: Could Ethanol – Not Ethics – Be Pruitt's Downfall?

EPA Administrator Scott Pruitt's biggest political liability may not be his litany of ethics scandals but his perceived hostility toward ethanol — a prized commodity in farm country that the president has vowed to protect. The embattled administrator is touring the Midwest this week, where farmers say he is taking money out of their pockets by weakening federal rules mandating the use of the biofuels that President Donald Trump has promised to support.

#### National News Highlights 6.14.18

##### NPR: Report Expected to Condemn FBI Violations in 2016 Clinton Email Investigation

A Justice Department watchdog is expected on Thursday to fault former FBI Director James Comey for violating long-standing department guidelines and mishandling the Hillary Clinton email investigation in 2016. The probe by Inspector General Michael E. Horowitz has already prompted reassignments and departures at the highest levels of the FBI. Former Deputy Director Andrew McCabe abruptly left the bureau in January, as watchdogs raced to finish their report, and later was fired outright. McCabe's lawyer later confirmed that prosecutors in Washington, D.C., were considering a criminal referral on McCabe, who allegedly lied to investigators.

##### CNBC: AT&T Wins: Judge Clears \$85 Billion Bid for Time Warner With No Conditions

A federal judge said Tuesday that AT&T's \$85.4 billion purchase of Time Warner is legal, clearing the path for a deal that gives the pay-TV provider ownership of cable channels such as HBO and CNN as well as film studio Warner Bros. U.S. District Court Judge Richard Leon did not impose conditions on the merger's approval. He also urged the government not to seek a stay when issuing his decision in a closed-door room with reporters. AT&T General Counsel David McAtee said the company was happy with the result.

#### TRUMP TWEETS

#### WAMC

<http://wamc.org/post/epa-sets-june-pfas-event-new-hampshire>

##### **EPA Sets June PFAS Event New Hampshire**

By Lucas Willard, 6/13/18

The U.S. Environmental Protection Agency is inviting Vermonters to attend a regional summit on unregulated PFAS chemicals later this month in New Hampshire.

Following a summit in Washington D.C. in May, the EPA has scheduled a two-day event in Exeter, New Hampshire to hear from people affected by PFAS chemicals.

Communities like Merrimack, New Hampshire and Bennington, Vermont have been dealing with water sources contaminated with PFOA. It's the same compound that's been found in wells in Hoosick Falls and Petersburg, New York, and part of a larger group of chemicals that remains unregulated at the federal level.

After traveling to Washington for the national summit in May, Vermont Agency of Natural Resources Deputy Secretary Peter Walke told WAMC that people living with contaminated water deserve to be heard. Nobody from Bennington was invited to the Washington summit.

"Those communities who have been living this crisis really need to be heard and have the opportunity to pass on what they've learned and what their experiences are," said Walke.

The EPA is now asking New England residents interested in attending the listening session on June 25th to sign up online. Those interested in speaking can request a 3-minute time slot. Comments will also be accepted online.

New Hampshire will be the agency's "first stop" as it hears from affected communities.

Vermont State Senator Brian Campion, a Democrat from Bennington, says he hopes to attend. Democrats in the state legislature remain at odds with Republican Governor Phil Scott over a state budget. They currently face a July 1st deadline to avoid a shutdown.

Campion adds that if the governor continues to veto a spending plan, it may be impossible for lawmakers to attend.

"If that doesn't happen, then I'll suspect you'll see a number of us travel over and I hope members of our local community also can go over and share their personal stories with those in attendance," said Campion.

Construction remains underway in Bennington on clean municipal water line extensions to residents with contaminated wells. The state of Vermont has not reached an agreement with company Saint-Gobain on a remediation plan for the eastern portion of the affected Bennington area.

Leaders from several states including New York, Vermont, New Hampshire, and recently Massachusetts, are requesting that the EPA set a maximum contaminant level for PFAS compounds and develop guidelines for the pervasive group of chemicals.

In May, former Region 2 EPA Administrator Judith Enck told WAMC she believes that enough information is out there for the EPA to set a maximum contaminant level and label PFAS chemicals as hazardous substances.

"I mean, I'm quite disappointed that the agency is using language like they're going to 'initiate steps to evaluate the need for a maximum contaminant level.' I mean, that's been happening at EPA for over 10 years so there's nothing new there," said Enck.

For more information on the EPA's upcoming PFAS event in New Hampshire visit: <https://www.epa.gov/pfas/pfas-community-engagement-exeter-nh>

## Reuters

<https://www.reuters.com/article/uk-new-york-epa/us-judge-orders-epa-to-limit-pollution-into-new-york-connecticut-idUSKBN1J92A0>

### **U.S. Judge Orders EPA to Limit Pollution into New York, Connecticut**

By Jonathan Stempel, 6/14/18

A federal judge on Wednesday ordered the U.S. Environmental Protection Agency to take steps to curb ozone pollution that blows into New York and Connecticut from five other states.

The decision by U.S. District Judge John Koeltl in Manhattan is a victory for New York's and Connecticut's attorneys general, Barbara Underwood and George Jepsen.

Their offices sued EPA administrator Scott Pruitt in January, accusing him of ignoring his responsibilities under the federal Clean Air Act to reduce pollution.

Koeltl said the EPA acknowledged having missed an August 2017 deadline to arrange plans to reduce smog from Illinois, Michigan, Pennsylvania, Virginia and West Virginia that travels eastward into New York and Connecticut.

Those plans had been required under the "Good Neighbor" provision of the Clean Air Act. Koeltl set a December 6 deadline for compliance.

“Given the prior violations of the statutory deadline by the EPA, it is a reasonable exercise of the court’s equitable powers to require the EPA to do the minimal tasks it has agreed it can do to remedy its past violation of the statute,” Koeltl wrote.

An EPA spokeswoman said the agency intends to propose this month, and make final by December, “an action that will address any remaining good neighbor obligations related to the 2008 ozone standard for these and other states.”

Ozone is a colorless gas that can be created when pollutants react to sunlight. It has been linked to asthma, bronchitis, heart disease and other health problems.

Underwood’s predecessor, Eric Schneiderman, had been a vocal critic of the EPA and the Trump administration prior to his resignation last month.

“As many as two in three New Yorkers are breathing unhealthy levels of smog,” Underwood said in a statement. “The court’s decision is a major win for New Yorkers and our public health, forcing the Trump EPA to follow the law.”

Jepsen, in a separate statement, said he was gratified by the decision, and plans to keep working with New York to hold the EPA accountable when it ignores its legal obligations.

The case is New York et al v Pruitt, U.S. District Court, Southern District of New York, No. 18-00406.

## Montana Public Radio

<http://mtpr.org/post/butte-locals-dive-draft-superfund-cleanup-plan>

### **Butte Locals Dive Into Draft Superfund Cleanup Plan**

By Nora Saks, 6/13/18

Tuesday night the Environmental Protection Agency organized what it called a “public availability session and workshop” in Butte to give locals a different kind of opportunity to learn about the proposed Superfund cleanup that was unveiled last month.

The top floor of the Butte-Silver Bow Public Archives was buzzing after hours with about 20 folks like Suzanne Stefanac. Members of the public who are really interested in Superfund.

“As a Butte native, I really care about how this all settles out, Stefanac said, “and I think it’s great that so many people do care in town, and the various entities that are involved are responsive. They put together an event like this - where you can actually come in as a regular citizen.”

While 20 community members might not sound like a lot, there were about three times that number of people filling the room. That’s because EPA, as well as the state Department of Environmental Quality, Atlantic Richfield Company, and Butte-Silver Bow County brought several representatives each. Those are the parties responsible for this large chunk of Butte’s Superfund cleanup called the Butte Priority Soils Operable Unit.

Stefanac said she didn’t come with any specific agenda, she just wanted to catch up on the Superfund news, and compare and contrast answers from experts and decision-makers.

And this was a prime opportunity to do just that, Stefanac met Nikia Greene, the local EPA project manager, face to face for the first time.

This open house style event was a departure from the kinds of big formal public meetings the agency has hosted in Butte in recent months to update the public on the progress of the conceptual cleanup plan.

Instead of a presentation in an auditorium, staff and technical experts were stationed around the room, armed with sharpies, blown up maps, diagrams, and ready to field questions.

Daniel Hogan is the host of a program called Superfund 101 on KBMF, Butte's community radio station. He said he's been to all the other meetings, and he prefers this format.

"This to me is better than a big Powerpoint presentation," Hogan said. "It's nice that you come here and say, 'if you lived next to one of these places, that's my house, what's going to happen to right there?' I really like that."

Agency representatives were also prepared to dive deep into the details of the proposed plan.

Daryl Reed, the state project officer with DEQ, talked with local Rayelynn Brandl about the planned cleanup and restoration of Blacktail Creek, and what that area will look like when the cleanup is finished.

Dave Palmer, the Chief Executive of Butte-Silver Bow County said that kind of open exchange was the point of this event, to gather community input, and to move past the veil of secrecy that has shrouded Butte's cleanup for more than a decade and contributed to a culture of mistrust.

"I may have not always agreed with the privacy and the secrecy of the meetings," Palmer said, "but people can see by looking at all the information that's out there now that there was nothing underhanded, no back door deals being made."

The workshop was also a chance for members of the community to try to get their questions and concerns met head on.

Mary Kay Craig, with the Restore Our Creek Coalition, wanted to know how the cleanup plan could accommodate the Coalition's vision of a free flowing Upper Silver Bow Creek.

"While [EPA Regional Administrator] Doug Benevento said the design does not preclude a creek, it does not include the creek. So how do we include the creek?" Craig asked.

"We not the remove the tailings coalition- we're the Restore the Creek coalition. And we're trying to get the creek back into the design," she said.

Craig said she could see some obstacles, but was hopeful the agencies and Atlantic Richfield would be open to some crowdsourced creative solutions.

Julia Crain, the special projects planner with the county, noted that the crowd mostly contained a lot of familiar faces, or usual suspects.

She said she hopes to be able to reach more Butte residents with these kinds of non-traditional outreach events in the future. And she encouraged the public to come early and often.

"The more you come and share your position, the more easily we can understand it and can integrate those comments and try to be responsive to those ideas in the overall design of projects," Crain said.

Crain said that all the comments and questions that the public offered at this public availability session were being captured, and will be shared with the other responsible parties as they continue to refine the cleanup plan.

The EPA says they are planning more public education and involvement events this summer, and that there will be a formal public comment period. No dates have been set yet.

## Tulsa World

[http://www.tulsaworld.com/news/usworld/u-s-sen-jim-inhofe-unless-scott-pruitt-can-change/article\\_a4719c51-061b-5caf-abe9-5f5eadb2d9a3.html](http://www.tulsaworld.com/news/usworld/u-s-sen-jim-inhofe-unless-scott-pruitt-can-change/article_a4719c51-061b-5caf-abe9-5f5eadb2d9a3.html)

**U.S. Sen. Jim Inhofe: Unless Scott Pruitt can change management problems, one alternative 'would be for him to leave that job'**

By Staff, 6/13/18

Longtime Scott Pruitt supporter U.S. Sen. Jim Inhofe on Wednesday said on a national talk radio show that Pruitt needs to put management problems behind him, otherwise one of the alternatives “would be for him to leave that job.”

Inhofe made the remark during an appearance on the “[Laura Ingraham Show](#)” on Wednesday.

However, the [Washington Post reported](#) that Inhofe said in a separate interview with the paper that he was not calling on Pruitt to resign.

Inhofe told the paper he has requested a face-to-face meeting with Pruitt, the Environmental Protection Agency administrator, to discuss the allegations of ethical misconduct dogging him, saying that Pruitt would be “in a very awkward position not to answer to me, and to answer me truthfully,” if they sat down together.

Pruitt has been [under intense scrutiny since March](#), when media reports first revealed he had rented a luxury Capitol Hill condo tied to a prominent oil and gas lobbyist for just \$50 a night.

Other recently disclosed examples of Pruitt seeking special treatment include his repeated use of first-class air travel, luxury hotel suites and directing his security staff to use lights and sirens to speed through Washington traffic to dinner reservations.

Inhofe’s comments are among signs that some conservatives may be losing confidence in Pruitt, Oklahoma’s former attorney general.

The conservative publication National Review on Wednesday [published an editorial](#) titled, “Scott Pruitt Should Go.”

A conservative nonprofit group based in Iowa also launched a 30-second ad calling for Pruitt’s resignation, describing him as a “swamp monster” who is “embarrassing President Trump,” the Washington Post reported.

Two other prominent GOP critics — Sens. Charles Grassley and Joni Ernst, both of Iowa — have largely focused on his approach to ethanol policy.

On Wednesday, Grassley remarked at a Senate Agriculture Committee hearing, “Pruitt is ill-serving the president,” the Post reported.

## Washington Post

[https://www.washingtonpost.com/news/energy-environment/wp/2018/06/13/sen-inhofe-criticizes-scott-pruitt-wants-face-to-face-meeting-with-embattled-epa-chief/?utm\\_term=.84dceb03e9c0](https://www.washingtonpost.com/news/energy-environment/wp/2018/06/13/sen-inhofe-criticizes-scott-pruitt-wants-face-to-face-meeting-with-embattled-epa-chief/?utm_term=.84dceb03e9c0)

### **Sen. Inhofe criticizes Scott Pruitt, wants face-to-face meeting with embattled EPA chief**

By Juliet Eilperin and Brady Dennis, 6/13/18

Sen. James M. Inhofe (R-Okla.) said in an interview Wednesday that he has requested a face-to-face meeting with Environmental Protection Agency Administrator Scott Pruitt to discuss the allegations of ethical misconduct dogging him, saying that Pruitt would be “in a very awkward position not to answer to me, and to answer me truthfully,” if they sat down together.

[Speaking earlier in the day](#) to conservative talk radio show host Laura Ingraham, Inhofe said that Pruitt needs to put the management problems that have come to mark his tenure behind him, otherwise one of the alternatives would be “for him to leave that job.”

In an interview with The Washington Post, however, Inhofe said he was not calling on Pruitt to resign. On Wednesday, Ingraham called on the EPA administrator to quit in the wake of [a Post report](#) that he had tasked a top aide with soliciting job offers for his wife from Republican donors.

Inhofe, who is managing a defense authorization bill on the floor of the Senate, said in the interview that he wanted to ask Pruitt about his spending and management decisions, which have been extensively covered in the press this year. "I'm keeping my powder dry until I talk to him, which would be Monday at the very latest," the senator said.

An early backer of Pruitt's, Inhofe noted in his interview with Ingraham that EPA Deputy Administrator Andrew Wheeler, who was recently confirmed by the Senate, was fully qualified to carry out President Trump's agenda.

"I would say this, that there's a guy behind him, Andrew Wheeler, who's really qualified, too, so you know we could, that might be a good swap," the senator said, adding that he was sending "a communication" to the agency on Wednesday to say that "we've had enough of these things, we need to get down and do the job we're elected to do."

Inhofe's comments came on a day when other conservatives withdrew support for the EPA chief, who faces a dozen federal ethics probes into his spending and management decisions at the agency.

Ingraham herself tweeted that Pruitt has needed to go because his poor decisions were "hurting" President Trump.

Separately, the conservative National Review on Wednesday published an editorial entitled, "Scott Pruitt Should Go."

"We are now at a point where a good week for Pruitt sees only one report of behavior that is bizarre or venal," the piece read. "We share most of Pruitt's views about environmental policy. But the same could be said of many other people, including Andrew Wheeler, the agency's deputy administrator, who would become acting administrator upon a vacancy in the top job. Pruitt is replaceable. And he should be replaced."

The EPA could not be immediately reached for comment on the matter.

Inhofe is not the only senator to question the EPA administrator's spending and management practices, though two other prominent GOP critics — Sens. Charles E. Grassley and Joni Ernst, both of Iowa — have largely focused on his approach to ethanol policy. On Wednesday, Grassley remarked at a Senate Agriculture Committee hearing, "Pruitt is ill-serving the president."

Inhofe's remarks came the same week that the American Future Fund, a conservative nonprofit group based in Iowa, launched a 30-second ad calling for Pruitt's resignation, describing him as a "swamp monster" who is "embarrassing President Trump."

## Axios

<https://www.axios.com/senator-inhofe-issues-sharp-warning-to-pruitt-amid-ethics-controversies-5cad8c58-1a05-4b50-9d0b-64d312456ea2.html>

### **Senator Inhofe Issues Sharp Warning to Scott Pruitt, Seeks Meeting**

By Khorri Atkinson, 6/13/18

Senator James Inhofe (R-Okla.) warned embattled Environmental Protection Agency Administrator Scott Pruitt Wednesday that he may have to resign citing mounting ethics scandals.

Speaking on Wednesday in a radio interview with conservative pundit Laura Ingraham, who herself has called for Pruitt to step down, Inhofe said the administrator "has really done some things that surprised me." An option for him to fix things, Inhofe said, "would be for him to leave that job."

Show less

Why it matters: Pruitt has been embroiled in a slew of ethics controversies surrounding his spending and management decisions at the agency. The latest controversy came Wednesday morning, when the Washington Post reported that he used agency staff to try to land a job for his wife at an outside political group.

During the radio interview, Inhofe said he was going to let Pruitt know about his frustration over his continued behavior in office. "I'm sending a communication over today that we've had enough of these things and you need to get down and do the job we're elected to do," he said.

Yes, but: A spokesperson for Inhofe told Axios the senator was not calling for Pruitt's resignation, but that he has concerns about the reported allegations and wants to hear about them from Pruitt. After the radio interview, Inhofe spoke to the Post about Pruitt, and said he's seeking a meeting with the administrator no later than Monday.

"I'm keeping my powder dry until I talk to him, which would be Monday at the very latest," the senator said.

Politico

<https://subscriber.politicopro.com/energy/article/2018/06/could-ethanol-not-ethics-be-pruitts-downfall-624373>

### **Could Ethanol – Not Ethics – Be Pruitt's Downfall?**

By Eric Wolff, 6/14/18

EPA Administrator Scott Pruitt's biggest political liability may not be his litany of ethics scandals but his perceived hostility toward ethanol — a prized commodity in farm country that the president has vowed to protect.

The embattled administrator is touring the Midwest this week, where farmers say he is taking money out of their pockets by weakening federal rules mandating the use of the biofuels that President Donald Trump has promised to support.

While Pruitt has tried to deflect allegations that he misused his office to travel lavishly and find work for his wife, the administrator's tour seems to signal his recognition that he needs to improve his standing with farmers.

But Republicans on the ground say it may be too late for him to save himself.

"My personal opinion is farmers are demanding accountability and I think that Mr. Pruitt probably is a dead man walking," said Dane Hicks, the GOP chairman in Anderson County, Kan., where Pruitt stopped Tuesday. "I can't imagine he rebounds from this in any way to salvage his position. I would expect his resignation soon."

Pruitt's problems in farm country come on top of the near daily scandals in Washington that have intensified over the last two months and are causing conservatives to start abandoning him. On Wednesday, influential radio host Laura Ingraham and the editors of the National Review were the latest to call for his ouster, following reports that he sought help from conservative donors to get his wife a job. And before the latest revelation, the conservative American Future Fund began airing an attack ad in South Dakota and Nebraska — two states Pruitt visited this week — calling for Trump to fire him.

Republican Iowa Gov. Kim Reynolds complained that Pruitt action have weakened the biofuels market, undercutting Trump's pledge. "Pruitt needs to follow through with what the President promised to lowans, and if he can't, then we need to find someone who will," Reynolds said in a statement.

Ethanol producers have urged Pruitt to follow through on Trump's promise to allow year-round sales of E15 fuels, and they have slammed his willingness to exempt dozens of oil refineries from the requirements of the Renewable Fuel Standard. Trump is popular in the Midwest, although farmers are worried about the danger to their businesses amid Trump's expanding trade war.

Bill Pracht, CEO of the East Kansas Agri-Energy, an ethanol producer, which Pruitt toured Tuesday, told Pruitt his moves resulted in wild swings in the prices of biofuel credits and led the company to stop operating a brand-new biodiesel plant. Hicks was not at the meeting, but said attendees told him "it did not go well. It was very tense."

In South Dakota, where Pruitt stopped Wednesday, corn farmers staged a rally in Sioux Falls featuring several local Republican politicians speaking in front of a backdrop of tractors.

"Administrator Pruitt not only ignores the wishes of President Trump, he's doing real damage to our industries at a time we can least afford it," Republican State House Assistant Majority Leader Kent Peterson told the sign-waving crowd.

The Republican candidate for the state's lone House seat, Dusty Johnson, called on Pruitt to "do his job" and approve the sales of higher ethanol blends.

"I do think there's growing frustration in the Midwest in the disconnect between President Trump and Administrator Pruitt," Johnson told POLITICO after the rally. "Pruitt's inaction in allowing E15 to be purchased, it is frustrating South Dakotans who don't understand why that barrier is in place."

Pruitt on Thursday plans to visit Nebraska, another state where Republicans have criticized him for not doing enough on ethanol. EPA has not released details on that trip, but sources tell POLITICO he will meet with Republican Gov. Pete Ricketts and the Common Sense Nebraska coalition to discuss the Waters of the United States Rule.

EPA said the discussions in Kansas and South Dakota were productive.

"Administrator Pruitt's visit to South Dakota and Kansas consisted of thorough, candid and productive discussions with corn and grain sorghum farmers on the Renewable Fuel Standard," EPA spokesman Lincoln Ferguson said in a statement. "He has always believed hearing directly from stakeholders is the most effective way to make informed decisions and is hopeful those he met with understand that the Trump Administration is committed to standing up for the American farmer."

Pruitt did not visit Iowa, which went for Trump in 2016 after twice backing President Barack Obama, but the leading ethanol-producing state is the epicenter of RFS battles. Sen. Chuck Grassley (R-Iowa) has been slamming Pruitt for undermining Trump's promise to corn farmers. On Wednesday he said Pruitt "ill-served the president" because his broad use of exemptions for small refiners had the de facto effect of cutting 1.2 billion gallons out of the mandate.

"I firmly think that our president needs to do some housekeeping items, and I think Mr. Pruitt needs to be one of those," said Annette Sweeney, a member of Trump's agricultural advisory board during the campaign and now a state senator in Iowa, which was not among Pruitt's stops. "I think President Trump needs to make sure that Mr. Pruitt understands that promises — and I was in an interview with then-candidate Trump, and he promised me he would stand beside biofuels. He needs to sit down and have that conversation with Mr. Pruitt."

NPR

<https://www.npr.org/2018/06/14/612387464/report-expected-to-condemn-fbi-violations-in-2016-clinton-email-investigation>

### **Report Expected to Condemn FBI Violations in 2016 Clinton Email Investigation**

By Carrie Johnson, 6/14/18

A Justice Department watchdog is expected on Thursday to fault former FBI Director James Comey for violating long-standing department guidelines and mishandling the Hillary Clinton email investigation in 2016.

The probe by Inspector General Michael E. Horowitz has already prompted reassignments and departures at the highest levels of the FBI. Former Deputy Director Andrew McCabe abruptly left the bureau in January, as watchdogs raced to finish their report, and later was fired outright.

McCabe's lawyer later confirmed that prosecutors in Washington, D.C., were considering a criminal referral on McCabe, who allegedly lied to investigators.

Horowitz's full report is scheduled to be released on Thursday afternoon. It may also fault former Attorney General Loretta Lynch and others.

For example, two FBI officials, special agent Peter Stzrok and lawyer Lisa Page, were under intense scrutiny after their text messages were collected during the inspector general investigation and later released to Congress and the public.



Page also has left the FBI. The disclosures about the range of candid political and other opinions that Page traded with Stzrok on their official government mobile phones has been an embarrassment for the bureau.

President Trump and his allies in and outside of government have used the chaos at the FBI to attack the credibility of the ongoing investigation into Russian election interference — and whether anyone in his campaign helped.

Speaking recently to reporters, Trump suggested the inspector general's findings could be something of a "birthday present" for him. (Trump turns 72 on Thursday.)

#### The Clinton matter

The IG report has its origins in the tumultuous days after the 2016 presidential election, when politicians and Justice Department veterans of all stripes cried foul at the FBI's public statements about its investigation of Clinton's email practices.

Clinton used a private email server while she served as secretary of state under President Obama. Although she said she regretted the practice, Clinton said she never knowingly used it to handle classified information. Republicans alleged that she knowingly hazarded important secrets and received sympathetic treatment from Lynch.

Early last year, following calls from Congress, the DOJ inspector general announced he would review allegations that the FBI failed to follow procedures when Comey criticized Clinton in a hastily called news conference on July 5, 2016.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information," Comey told reporters at the time.

"In this case, given the importance of the matter, I think unusual transparency is in order," he also said.

Comey eventually appeared before lawmakers to explain his findings, and promised to update them if any new information came to light

The FBI director notified Congress he had reopened the probe October 28, 2016, because of emails that investigators had found on the laptop belonging to Anthony Weiner, the then-husband of longtime Clinton confidant and aide Huma Abedin.

And then, just days before the election, Comey went public again, to tell lawmakers he had found no new bombshells and would again close the investigation with no charges — on November 6.

Clinton and her top aides blamed Comey's verbosity for slowing her momentum in the waning days of the campaign and turning the election to her opponent, Donald Trump.

"I was on the way to winning until the combination of Jim Comey's letter on October 28 and Russian WikiLeaks raised doubts in the minds of people who were inclined to vote for me but got scared off," she later said.

Comey, of course, was fired by Trump in May 2017, a move that helped prompt the Justice Department to appoint special counsel Robert S. Mueller III to investigate Russian election interference and whether any Americans took part.

In a book published this year, Comey defended himself as caught in a "500-year flood," and concluded he would probably take the same actions that drew so much criticism of himself and the FBI.

#### Other matters

The other subjects under investigation by the inspector general included:

- Whether deputy FBI director McCabe should have been recused from participating in the Clinton matter because his wife took donations from Clinton's friend Terry McAuliffe in her unsuccessful run for the Virginia state legislature.
- Whether the Justice Department's former top lobbyist improperly shared information with the Clinton campaign or should have been recused because of his friendship with campaign chairman John Podesta.
- Whether any other DOJ or FBI employees disclosed nonpublic information about the email investigation.
- Whether the FBI release of some Freedom of Information Act documents in late October and early November 2016 was influenced by improper political considerations.

Horowitz did establish some limits about what he's expected to conclude in his report.

"The review will not substitute the OIG's judgment for the judgments made by the FBI or the Department regarding the substantive merits of investigative or prosecutive decisions," the inspector general pledged in January 2017 when he launched the probe.

In other words, if the IG report faults Comey, Lynch or others, it is not expected to second-guess their decisions not to press criminal charges against Clinton.

Horowitz, a former federal prosecutor who worked under both Democrats and Republicans, has drawn bipartisan support over his career. But he was the subject of a tweet from President Trump in February that called him "an Obama guy."

CNBC

<https://www.cnn.com/2018/06/12/att-time-warner-ruling.html>

#### **AT&T Wins: Judge Clears \$85 Billion Bid for Time Warner With No Conditions**

By Sara Salinas, 6/12/18

A federal judge said Tuesday that AT&T's \$85.4 billion purchase of Time Warner is legal, clearing the path for a deal that gives the pay-TV provider ownership of cable channels such as HBO and CNN as well as film studio Warner Bros.

U.S. District Court Judge Richard Leon did not impose conditions on the merger's approval. He also urged the government not to seek a stay when issuing his decision in a closed-door room with reporters.

AT&T General Counsel David McAtee said the company was happy with the result.

"We are pleased that, after conducting a full and fair trial on the merits, the Court has categorically rejected the government's lawsuit to block our merger with Time Warner," McAtee said in a statement. "We look forward to closing the merger on or before June 20 so we can begin to give consumers video entertainment that is more affordable, mobile, and innovative."

Shares of Time Warner jumped roughly 5 percent in extended trading. Shares of AT&T dropped as much as 2 percent.

Assistant Attorney General Makan Delrahim said the Justice Department was disappointed with the decision.

"We continue to believe that the pay-TV market will be less competitive and less innovative as a result of the proposed merger between AT&T and Time Warner. We will closely review the Court's opinion and consider next steps in light of our commitment to preserving competition for the benefit of American consumers," Delrahim said in a statement.

The outcome of the trial could spur a wave of deals in the telecom and media industries, as well as clear the way for future vertical mergers, where a company buys its supplier. Comcast has been eyeing a similar merger to combine production and distribution in a competing bid for Twenty-First Century Fox and was preparing to announce an offer as soon as Wednesday if Leon ruled in favor of AT&T in the trial, people familiar with the matter told CNBC.

Comcast shares dipped 4 percent after the AT&T-Time Warner decision. Shares of Fox rose 4 percent.

The decision comes after a six-week trial. The DOJ sued last year to block the merger, citing concerns that AT&T, owner of satellite television provider DirecTV, could charge rival distributors more for Time Warner content, resulting in higher prices for consumers.

AT&T countered that the logic doesn't hold up since the point of owning content is to get widespread distribution, which brings in affiliate fees and advertising revenue.

AT&T, also the No. 2 wireless carrier in the U.S., announced in October 2016 that it was buying Time Warner to diversify its revenues and also become a media powerhouse that could attract consumers by bundling entertainment with mobile service. CEO Randall Stephenson has said the deal would help AT&T compete against tech giants like Amazon and Netflix, which are investing more in content.

There will be no divestment of any assets in the completion of the merger, Daniel Petrocelli, lead trial attorney for AT&T, told reporters after the decision.

In a nearly 200-page decision, Leon said that he ultimately concluded that the government failed to meet its burden to establish that the deal was likely to lessen competition substantially.

## TRUMP TWEETS



**Donald J. Trump** ● @realDonaldTrump · 7m



The Republican Party is starting to show very big numbers. People are starting to see what is being done. Results are speaking loudly. North Korea and our greatest ever economy are leading the way!



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Message

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**Subject:** Pruitt says ambassador invited him to Morocco

By Emily Holden

04/26/2018 02:23 PM EDT

EPA Administrator Scott Pruitt told lawmakers his much-scrutinized trip to Morocco where he promoted natural gas was prompted by an invitation from the country's ambassador.

"There was a free trade agreement that is in existence with Morocco and the ambassador of Morocco invited me to Morocco to negotiate the environmental chapter on that free trade agreement," Pruitt told Rep. Ben Ray Lujan (D-N.M.) at a House Energy and Commerce subcommittee hearing today.

The agency in a press release disclosing the December trip after the fact described it as dual-purpose: to discuss updates to a U.S.-Morocco Free Trade Agreement "and the potential benefit of liquified [sic] natural gas (LNG) imports on Morocco's economy."

Lujan questioned Pruitt's travel spending overall, including his previous practice of always flying first-class, which he has said was for security reasons. Pruitt said today that he's made changes to that policy but did not specifically commit to always flying coach.

Lujan asked if Pruitt would reimburse taxpayers for \$160,000 in first class, charter and military flights. Pruitt did not respond but countered that his international travel "pales in comparison to the previous administrations."

EPA officials have pointed to Pruitt's predecessors, Gina McCarthy and Lisa Jackson, spending more on international trips, although they have compared their longer tenures to less than a year of Pruitt's time as administrator.

*To view online:*

<https://www.politicopro.com/energy/whiteboard/2018/04/pruitt-says-ambassador-invited-him-to-morocco-1121893>

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**Subject:** Morning Energy, presented by the National Rural Electric Cooperative Association: Will ethanol tip the balance? — Barrasso calls for more funding — Draft offshore bill on tap

By Kelsey Tamborrino | 06/14/2018 05:41 AM EDT

*With help from Anthony Adragna, Eric Wolff and Daniel Lippman*

**WILL ETHANOL TIP THE BALANCE?** EPA Administrator Scott Pruitt's conservative support is wavering, but it could be his handling of biofuels policy that ends up being his downfall. The scandal-plagued administrator — who most recently came under fire for having one of his aides help his wife in her job search — will continue his trek across red, Trump-backed states today, with a stop in Nebraska. The administrator's tour this week seems to signal his recognition that he needs to improve his standing with farmers, Pro's Eric Wolff reports, who are angry over his changes to the Renewable Fuel Standard.

**With stops already in Kansas and South Dakota behind him**, Pruitt has faced his fair share of protest from corn-state farmers that have nothing to do with the various ethical and fiscal controversies swirling in Washington. Instead, farmers say Pruitt is taking money out of their pockets by weakening federal rules mandating the use of the biofuels that President Donald Trump promised to support. "Pruitt needs to follow through with what the President promised to Iowans, and if he can't, then we need to find someone who will," GOP Iowa Gov. Kim Reynolds said in a statement.

**Republicans on the ground** say it may be too late for Pruitt to save himself. "My personal opinion is farmers are demanding accountability and I think that Mr. Pruitt probably is a dead man walking," said Dane Hicks, the GOP chairman in Anderson County, Kansas, where Pruitt stopped on Tuesday. "I can't imagine he rebounds from this in any way to salvage his position. I would expect his resignation soon." Read more from Eric here.

**WE'LL SEE WHAT HAPPENS TODAY:** Pruitt's trip to Nebraska today puts him in another state where Republicans have criticized him for not doing enough on ethanol. EPA won't release details on that trip, but sources tell POLITICO he will meet with Republican Gov. Pete Ricketts and the Common Sense Nebraska Coalition to discuss the Waters of the United States rule. According to John Duff of Sorghum Growers, Pruitt told farmers yesterday the new WOTUS rule would go to the White House on Friday. Today's roundtable discussion will run from 4:30 p.m. to 5:30 p.m., according to a schedule obtained by ME.

**That's not all:** On Friday, Pruitt will attend a picnic with farmers and Ricketts on "impaired water de-listing," according to the schedule. And there could be news on the Renewable Volume Obligations front next week, as well. When asked why biodiesel isn't promoted more, Pruitt told farmers Wednesday: "Wait until next week. You'll be very happy," Duff also tweeted.

**THE TIMES THEY ARE A CHANGIN':** Back in D.C., Pruitt's staunchest ally on the Hill, GOP Sen. Jim Inhofe, called for the Environment and Public Works Committee to bring embattled Pruitt in for a hearing, but stressed to reporters that he is not demanding the agency chief's resignation, Pro's Anthony Adragna reports. "It's the committee of jurisdiction," Inhofe said, adding he hopes to personally speak to Pruitt next week. That came after remarks Inhofe made Wednesday, where he said the continued revelations about Pruitt were troubling. Inhofe's remark follows a groundswell of other prominent conservatives, including pundit Laura

Ingraham and senior editors at the National Review, who have called for Pruitt's ouster. More on that [here](#) from Anthony.

— **National Review editor Rich Lowry** penned an op-ed for POLITICO Magazine Wednesday on why Republicans should want Pruitt out. Read that [here](#).

**But wait, there's more:** Pruitt appeared on the local radio show "What's On Your mind?" Wednesday, where he defended himself against the controversies. Listen [here](#).

**WELCOME TO THURSDAY!** I'm your host Kelsey Tamborrino. Exxon Mobil's Jennifer Linker was first to identify Rep. [Tom Emmer](#) as the Republican who played hockey for the University of Alaska-Fairbanks. For today, in honor of tonight's Congressional Baseball Game: Former Kansas Sen. Jim Bunning played for which four MLB teams? Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com), or follow us on Twitter [@kelseytam](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

POLITICO will be reporting from inside the World Gas Conference June 25 - June 29. [Sign up now](#) for our pop-up conference newsletter to receive on-the-ground insights and information every afternoon from POLITICO Pro Energy Editor Matt Daily.

**BARRASSO CALLS FOR MORE FUNDING:** In light of the numerous probes facing Pruitt, EPW Chairman [John Barrasso](#) called on the Senate to provide "sufficient" funding for EPA's inspector general. In a [letter](#) obtained by POLITICO, Barrasso referenced a February [letter](#) where IG Arthur Elkins wrote that Trump's proposed OIG budget of \$46 million would "substantially inhibit the OIG from performing the duties of the office." Barrasso did not specify what he considered "sufficient" funding for the office, [Anthony reports](#). But in his letter to [Lisa Murkowski](#) — who chairs the Appropriations subcommittee responsible for EPA funding — Barrasso asked her to note that OIG has not only expanded but initiated new reviews of Pruitt since Elkins' initial letter.

**Don't look at me:** Elkins told several House Democrats on Wednesday that their questions about Pruitt's legal defense fund would be better directed to agency ethics officials. In a [letter](#), Elkins said that some of the Democrats' questions "are not actions related to his official government capacity, or about EPA activities or funds." The rest are "primarily, if not fully, ethics questions that should be addressed to EPA ethics official or to the U.S. Office of Government Ethics." Read [more](#) from Pro's Alex Guillén.

**\*\* A message from the National Rural Electric Cooperative Association:** America's electric cooperatives serve 1 in 8 Americans, providing affordable and reliable electricity around the clock. More than 900 electric cooperatives serve 56% of the American landscape, including exurban and rural America. Learn more: <https://bit.ly/2kLKp7Z> \*\*

**PUT THOSE FIREWORKS BACK:** Senators on both sides of the aisle suggested today's Interior-EPA [markup](#) would likely be devoid of controversial amendments targeting Pruitt's ethical lapses. "I think a lot of those things will happen on the floor," [Brian Schatz](#) told reporters. Full Appropriations Chairman [Richard Shelby](#) urged lawmakers "be disciplined enough to not put riders on appropriations bills that should be on authorizations bill" in committee and on the floor, though he conceded floor amendment fights "could" snarl progress on the bills as they have during this week's NDAA debate. **If you go:** The full committee markup begins at 10:30 a.m. in 106 Dirksen.

**Speaking of Appropriations,** Shelby told reporters the Energy and Water title was likely to hit the Senate floor next week as part of the first minibus out of the station. He cautioned the final call rests with Majority Leader [Mitch McConnell](#).

**DRAFT OFFSHORE BILL ON TAP:** House Republicans are floating a draft bill that'll be the focus of a hearing today, that would allow governors to bypass federal environmental reviews on oil and gas drilling projects in their states and would penalize coastal states that prohibit offshore drilling, Pro's Ben Lefebvre reports. The House Natural Resources subcommittee on energy and mineral resources is set to discuss the draft bill this morning during a legislative hearing. The bill in question would give states complete control of energy development on their land, and would also fly in the face of coastal state lawmakers who have protested Interior's plan to open all federal waters to oil and gas rigs.

**The Competitive Enterprise Institute's Myron Ebell** will join those testifying today at the hearing, where he'll highlight his support for the bill, including a provision that would allow the sharing of federal revenues from offshore oil and gas production with coastal states. "CEI strongly supports sharing federal offshore royalties with the coastal states where production occurs," he is expected to say. "Sharing royalties with coastal states means that they will be treated in much the same way as states with oil and gas production on federal lands within the state. This seems only fair."

**Ranking member Raúl Grijalva**, meanwhile, called the draft bill "a ransom note in a cheap disguise," in a statement. "Penalizing states for protecting their own beaches is what you'd see in a petro-state, not in a modern democracy," he said. And he's not the only one: "ABSOLUTELY ABSURD to penalize states who do not want drilling off our shores. Have my colleagues not heard of 'States Rights' in deciding their own policies??" GOP Rep. Frank LoBiondo tweeted. **If you go:** The subcommittee hearing begins at 10 a.m. in 1324 Longworth.

**ENDORSED:** Rep. John Shimkus, chairman of the Energy and Commerce Environment Subcommittee, had nothing but warm words for Trump's pick to lead CEQ, Mary Neumayr. "In my dealings with her, she was respectful, hard-working, diligent and I think would be a good choice," Shimkus said of the long-time committee aide.

**FIRST HEARING ON NYC-BIG OIL SUIT HELD:** The first hearing was held Wednesday in New York City's lawsuit on the five biggest oil companies' liability for climate change — and according to Courthouse News Service, it featured a lesson in modern history. Gibson Dunn attorney Ted Boutros argued that the case would hold his client Chevron "responsible for the way civilization and humankind has developed over the ages," citing topics ranging from Pope Francis to the Industrial Revolution. "Rather than downplaying the threat of man-made climate change, Boutros argued that the challenge belonged to a different branch of government," the news service writes. The city's attorney, Matthew Pawa, meanwhile described it as a common public-nuisance case targeting companies that misled the public about the danger of their product. The judge ended the hearing without issuing a ruling. Read the recap here.

**GAO STUDYING SOCIAL COST OF CARBON:** The Government Accountability Office accepted a request to study the social cost of carbon, a spokesman confirmed to ME. There is no timeline just yet for releasing the study, which is now underway. But Democratic Sen. Sheldon Whitehouse, who announced the study Wednesday, said it would include an analysis of the Trump administration's decision to reduce the value of the social cost of carbon in the government's decisions. In March 2017, Trump issued an executive order disbanding the Interagency Working Group on Social Cost of Greenhouse Gases and withdrew the guidance it had issued.

**MANUFACTURERS CALL FOR KIGALI IN SENATE:** More than 30 heating, ventilation, air conditioning and refrigeration CEOs — including from Honeywell, Lennox and Dow Chemical — will urge the president today to send the Kigali amendment to the Senate. "This is a critical issue for American jobs and the economy," they write in a letter. "Studies show that ratification of the Kigali amendment will increase U.S. manufacturing jobs by 33,000, increase exports by \$5 billion, and improve the overall balance of trade for these products." Earlier this week, 13 Republican senators also called on the president to send the amendment to the Montreal Protocol to the Senate. Read today's letter here.



**MAIL CALL!** House Natural Resources Chairman [Rob Bishop](#) and Oversight Chairman [Bruce Westerman](#) sent a letter to Defense Secretary Jim Mattis on Wednesday, seeking more information on foreign entities using U.S.-based 501(c) organizations as proxies in environmental litigation. The pair previously sent a [letter](#) to the Natural Resources Defense Council [on the group's ties](#) to China and advocacy efforts in the U.S. Read it [here](#).

— **More than 500 scholars** signed onto a letter to Secretary Ryan Zinke expressing concern that drilling in the Arctic National Wildlife Refuge would result in severe biological, cultural and climate impacts on the Arctic and the world. Read it [here](#).

— **A bipartisan group of eight California lawmakers** wrote to Pruitt this week urging him to process biomass power applications to produce Renewable Identification Numbers in the RFS. They write that the electricity supplied by biomass should be treated the same as fuels made from corn or other organic matter. Read it [here](#).

**REPORT: TRUMP AIMS TO SLASH CLIMATE DATA:** The left-leaning Center for American Progress is out with a report today that found the president's budget requests would have slashed federal climate and energy data and research programs by up to 16.8 percent. The report will be the topic of [an event](#) today with former Energy Secretary Ernest Moniz. Read it [here](#).

**AD-ING IT UP:** EDF Action is launching new ads this week against House Appropriations members [David Valadao](#), [Kevin Yoder](#) and [Scott W. Taylor](#), who they say voted in lockstep with Trump and his proposed cuts to EPA. EDF Action is putting \$50,000 into the first phase of the ad campaign, but will release more ads as votes are held. Watch the ads [here](#), [here](#) and [here](#).

**IT'S ELECTRIFYING:** The electrification of buildings, ground transportation and portions of U.S. industry could cut total emissions by more than 70 percent, a new report from the Rocky Mountain Institute finds. The report found it's not enough to convert the grid to emit zero carbon in order to achieve decarbonization goals in many cities across the U.S., as doing so would only cut emissions by 30 percent. Read the report [here](#).

**LOOKING AT SOLAR INCENTIVES:** Industry-backed Consumer Energy Alliance will release an update today to its 2016 report, "[Incentivizing Solar Energy: An In-Depth Analysis of U.S. Solar Incentives](#)," providing a review of solar incentives across the nation. The new report analyzes the cost of a typical solar facility in 25 states and details the federal, state and local incentives available for rooftop solar photovoltaic. Read it [here](#).

**MOVER, SHAKER:** Bob Haus is leaving the Energy Department on July 6, where he has served as director of public affairs. He's moving back to Des Moines, Iowa, to work on state and intergovernmental relations at Corteva, the new agrisciences division of Dow DuPont.

## QUICK HITS

— U.S. shale firms miss out on \$70 oil after hedging at \$55, [Reuters](#).

— Firm slams "offensive" DOJ claims in Clean Water Act suits, [E&E News](#).

— Antarctica is thawing faster, tripling its effect on rising seas, [Bloomberg BNA](#).

— Trump wants to bail out coal and nuclear power. Here's why that will be hard, [The New York Times](#).

— Undersecretary Paul Dabbar paints broad vision for Department of Energy science, [Science](#).

— Volkswagen to pay Vermont \$6.5 million in emissions lawsuit, [Associated Press](#).

## HAPPENING TODAY

8:30 a.m. — The National Academy of Sciences workshop on "The Feasibility of Addressing Environmental and Occupational Health Exposure Questions Using Department of Defense Biorepositories," 2101 Constitution Avenue NW

10:00 a.m. — House Energy and Commerce hearing on "The Chemical Facilities Anti-Terrorism Standards Program (CFATS) — A Progress Report," 2123 Rayburn

10:00 a.m. — House Natural Resources Energy and Mineral Resources Subcommittee hearing on the "State Management of Federal Lands and Waters Act," 1324 Longworth

10:30 a.m. — Senate Appropriations Committee markup of Interior-Environment fiscal 2019 appropriations bill, 106 Dirksen

1:00 p.m. — The Center for American Progress discussion on "Silencing Science: Risks Posed to Climate and Energy Data from Political Interference," 1333 H Street NW

3:00 p.m. — The Woodrow Wilson Center discussion on "Building Resilience Through Integrated Regional Programming," 1300 Pennsylvania Ave NW

## THAT'S ALL FOR ME!

**\*\* A message from the National Rural Electric Cooperative Association:** America's electric cooperatives power 42 million members and empower their communities. Co-ops also play a vital role in transforming the electric sector. Advanced communications and automation technology enable electric co-ops to improve the resiliency and efficiency of their systems as they add renewable resources and build a network of microgrids. Learn more: <https://bit.ly/2kLKp7Z> \*\*

*To view online:*

<https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/will-ethanol-tip-the-balance-250684>

## Stories from POLITICO Pro

### Pruitt's conservative support cracks Back

By Anthony Adragna | 06/13/2018 12:42 PM EDT

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"This is no way for any public official to treat taxpayers. It also makes it practically impossible for Pruitt to make the case for the Trump administration's environmental policies — a case that we continue to believe deserves to be made," the magazine's senior editors wrote. "It does not help that Pruitt's conduct has left him nearly alone at the agency. Many of his top aides have fled and paranoia seems to consume those who remain."

So far, Trump has stuck with Pruitt, praising him for rolling back Obama administration environmental rules that conservatives had complained were strangling industry. The New York Times has reported recently that Trump speaks with Pruitt frequently about his displeasure with Attorney General Jeff Sessions. But last week Trump did acknowledge the series of scandals, telling reporters that "I'm not saying that he's blameless, but we'll see what happens."

Ingraham is one of the 46 people whom the president follows on Twitter, and she was considered for the role of Trump's press secretary in 2016. She dined at Trump's hotel Tuesday evening with Donald Trump Jr. and conservative activists Charlie Kirk and Andy Surabian — both of whom publicly defended Pruitt in early April.

On her radio show Wednesday, she said Pruitt's scandals were damaging the president and reflected the EPA chief's repeated "judgment lapses."

"He's hurting the president because he has bad judgment after bad judgment after bad judgment," she said. "It just doesn't look good. If you want to drain the swamp, you got to have people in it who forgo personal benefits."

Pruitt, who is facing a dozen congressional and EPA investigations into his spending on security and first-class travel, a sweetheart condo rental from a lobbyist, his use of aides to handle his personal business and unauthorized raises for close aides, is also seeing his star fade in Congress, where some of his most stalwart backers now express doubts about his behavior.

On Ingraham's radio show, Pruitt ally Sen. Jim Inhofe (R-Okla.) agreed that the continued revelations were troubling, and he said he would send a "communication" to EPA on Wednesday warning the embattled chief to cut it out. And he suggested that EPA Deputy Administrator Andrew Wheeler, a former Inhofe aide, was well-qualified to run the agency, and could step in for Pruitt.

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Sen. Chuck Grassley (R-Iowa) and Ernst have been among Pruitt's harshest critics on the Hill because of efforts to ease EPA-managed corn ethanol mandates that provide a lifeline to many Iowa farmers. Those moves have also galvanized some farm interests, such as the Iowa-based American Future Fund, which is airing an ad in Nebraska and South Dakota blasting Pruitt's ethical problems. "Scott Pruitt is a swamp monster," the 30-second spot says. "Mr. President, you know what to do," it continues, before playing a clip of Trump from his former "The Apprentice" reality show declaring, "You're fired."

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"Pruitt's actions here were certainly illegal, and astonishingly corrupt even for him," Beyer tweeted.

Still, some Pruitt allies in Congress said they were sticking by him and blamed his political opponents for the scandals.

"He needs to learn to be more careful. I know him to be an ethical and honorable person," Rep. Tom Cole (R-Okla.) said. "Up here, you've got to be a little bit like Caesar's wife: just above suspicion. You have a lot of people that are going to be critical of him not because of who he is or what he does, but because of his policy agenda."

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Deason also helped Pruitt pick new members for EPA's Science Advisory Board last year, POLITICO reported last week.

But Leonard Leo, executive vice president of the conservative Federalist Society, eventually helped her secure a temporary contractor job with the conservative Judicial Crisis Network, the Post reported. Leo also helped arrange Pruitt's visit to Italy last year, and even initially paid for an expensive Rome meal, though Pruitt eventually reimbursed him.

A JCN spokesperson said that Marlyn Pruitt worked as a temporary independent contractor who helped organize the setup of new offices. JCN said she worked for them from fall 2017 to spring 2018, although the number of hours and her total pay for that time is unknown.

Dravis, who is due to speak to House Oversight investigators later this month, has since departed EPA and declined to comment.

The news follows other recent reports that Pruitt used his position to seek out a possible Chick-fil-A franchise for his wife and got her a temporary job helping organize a conference for the nonprofit group Concordia.

*Alex Guillén contributed to this report.*

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*Alex Guillén contributed to this report.*

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## Could ethanol — not ethics — be Pruitt's downfall? [Back](#)

By Eric Wolff | 06/14/2018 05:01 AM EDT

EPA Administrator Scott Pruitt's biggest political liability may not be his litany of ethics scandals but his perceived hostility toward ethanol — a prized commodity in farm country that the president has vowed to protect.

The embattled administrator is touring the Midwest this week, where farmers say he is taking money out of their pockets by weakening federal rules mandating the use of the biofuels that President Donald Trump has promised to support.

While Pruitt has tried to deflect allegations that he misused his office to travel lavishly and find work for his wife, the administrator's tour seems to signal his recognition that he needs to improve his standing with farmers.

But Republicans on the ground say it may be too late for him to save himself.

"My personal opinion is farmers are demanding accountability and I think that Mr. Pruitt probably is a dead man walking," said Dane Hicks, the GOP chairman in Anderson County, Kan., where Pruitt stopped Tuesday. "I can't imagine he rebounds from this in any way to salvage his position. I would expect his resignation soon."

Pruitt's problems in farm country come on top of the near daily scandals in Washington that have intensified over the last two months and are causing conservatives to start abandoning him. On Wednesday, influential radio host Laura Ingraham and the editors of the National Review were the latest to call for his ouster, following reports that he sought help from conservative donors to get his wife a job. And before the latest revelation, the conservative American Future Fund began airing an attack ad in South Dakota and Nebraska — two states Pruitt visited this week — calling for Trump to fire him.

Republican Iowa Gov. Kim Reynolds complained that Pruitt action have weakened the biofuels market, undercutting Trump's pledge. "Pruitt needs to follow through with what the President promised to Iowans, and if he can't, then we need to find someone who will," Reynolds said in a statement.

Ethanol producers have urged Pruitt to follow through on Trump's promise to allow year-round sales of E15 fuels, and they have slammed his willingness to exempt dozens of oil refineries from the requirements of the Renewable Fuel Standard. Trump is popular in the Midwest, although farmers are worried about the danger to their businesses amid Trump's expanding trade war.

Bill Pracht, CEO of the East Kansas Agri-Energy, an ethanol producer, which Pruitt toured Tuesday, told Pruitt his moves resulted in wild swings in the prices of biofuel credits and led the company to stop operating a brand-new biodiesel plant. Hicks was not at the meeting, but said attendees told him "it did not go well. It was very tense."

In South Dakota, where Pruitt stopped Wednesday, corn farmers staged a rally in Sioux Falls featuring several local Republican politicians speaking in front of a backdrop of tractors.

"Administrator Pruitt not only ignores the wishes of President Trump, he's doing real damage to our industries at a time we can least afford it," Republican State House Assistant Majority Leader Kent Peterson told the sign-waving crowd.

The Republican candidate for the state's lone House seat, Dusty Johnson, called on Pruitt to "do his job" and approve the sales of higher ethanol blends.

"I do think there's growing frustration in the Midwest in the disconnect between President Trump and Administrator Pruitt," Johnson told POLITICO after the rally. "Pruitt's inaction in allowing E15 to be purchased, it is frustrating South Dakotans who don't understand why that barrier is in place."

Pruitt on Thursday plans to visit Nebraska, another state where Republicans have criticized him for not doing enough on ethanol. EPA has not released details on that trip, but sources tell POLITICO he will meet with Republican Gov. Pete Ricketts and the Common Sense Nebraska coalition to discuss the Waters of the United States Rule.

EPA said the discussions in Kansas and South Dakota were productive.

"Administrator Pruitt's visit to South Dakota and Kansas consisted of thorough, candid and productive discussions with corn and grain sorghum farmers on the Renewable Fuel Standard," EPA spokesman Lincoln Ferguson said in a statement. "He has always believed hearing directly from stakeholders is the most effective way to make informed decisions and is hopeful those he met with understand that the Trump Administration is committed to standing up for the American farmer."

Pruitt did not visit Iowa, which went for Trump in 2016 after twice backing President Barack Obama, but the leading ethanol-producing state is the epicenter of RFS battles. Sen. Chuck Grassley (R-Iowa) has been slamming Pruitt for undermining Trump's promise to corn farmers. On Wednesday he said Pruitt "ill-served the president" because his broad use of exemptions for small refiners had the de facto effect of cutting 1.2 billion gallons out of the mandate.

"I firmly think that our president needs to do some housekeeping items, and I think Mr. Pruitt needs to be one of those," said Annette Sweeney, a member of Trump's agricultural advisory board during the campaign and now a state senator in Iowa, which was not among Pruitt's stops. "I think President Trump needs to make sure that Mr. Pruitt understands that promises — and I was in an interview with then-candidate Trump, and he promised me he would stand beside biofuels. He needs to sit down and have that conversation with Mr. Pruitt."

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**Inhofe calls for EPW hearing on Pruitt allegations** [Back](#)

By Anthony Adragna | 06/13/2018 05:17 PM EDT

Sen. Jim Inhofe today called for the Environment and Public Works Committee to bring embattled EPA chief Scott Pruitt in for a hearing, but he stressed to reporters that he is not demanding the agency chief's resignation.

"It's the committee of jurisdiction," Inhofe (R-Okla.) said, adding he hopes to personally speak to Pruitt next week.

EPW Chairman John Barrasso (R-Wyo.) has so far declined to call Pruitt before the panel to discuss the scandals, citing the ongoing White House review of Pruitt's conduct and the fact that he testified in front of the committee in January. A spokesman did not immediately respond to request for comment.

Inhofe said Pruitt's having an aide ask Republican donors get his wife a job, as The Washington Post reported, is "not appropriate," though he said he wanted to discuss the matter with the EPA chief.



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Still, some Pruitt allies in Congress said they were sticking by him and blamed his political opponents for the scandals.

"He needs to learn to be more careful. I know him to be an ethical and honorable person," Rep. Tom Cole (R-Okla.) said. "Up here, you've got to be a little bit like Caesar's wife: just above suspicion. You have a lot of people that are going to be critical of him not because of who he is or what he does, but because of his policy agenda."

The Post reported Wednesday that Pruitt had asked his policy adviser Samantha Dravis to help his wife find a job. Pruitt first sought help from one prominent GOP donor, Doug Deason, who said he could not hire her because of a conflict of interest given his business before EPA.

Deason also helped Pruitt pick new members for EPA's Science Advisory Board last year, POLITICO reported last week.

But Leonard Leo, executive vice president of the conservative Federalist Society, eventually helped her secure a temporary contractor job with the conservative Judicial Crisis Network, the Post reported. Leo also helped arrange Pruitt's visit to Italy last year, and even initially paid for an expensive Rome meal, though Pruitt eventually reimbursed him.

A JCN spokesperson said that Marlyn Pruitt worked as a temporary independent contractor who helped organize the setup of new offices. JCN said she worked for them from fall 2017 to spring 2018, although the number of hours and her total pay for that time is unknown.

Dravis, who is due to speak to House Oversight investigators later this month, has since departed EPA and declined to comment.

The news follows other recent reports that Pruitt used his position to seek out a possible Chick-fil-A franchise for his wife and got her a temporary job helping organize a conference for the nonprofit group Concordia.

*Alex Guillén contributed to this report.*

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## **Why Republicans Should Want Scott Pruitt Out [Back](#)**

By Rich Lowry | 06/13/2018 08:15 PM EDT

It's time to test the proposition whether it's possible to roll back the Obama regulatory agenda without using government employees as glorified personal assistants.

Environmental Protection Agency Administrator Scott Pruitt long ago acquired the moniker "scandal-plagued" in the press. None of his offenses are criminally corrupt — no one has found cash stuffed in his freezer.

But the corner-cutting and grubbiness are unworthy of a high-level government official, who should be ever mindful that the money and people at his command aren't truly his. Public service should mean that you serve the public, not that publicly funded resources and personnel serve you.

It was possible to look beyond the initial bout of Pruitt stories. Sure, he had a sweet \$50-a-night condo deal from the wife of an energy lobbyist, but maybe he was simply using a convenient arrangement as he first settled into Washington?

Yes, there was the security detail more extensive and expensive than prior EPA administrators, but isn't Pruitt much more hated than his predecessors?

OK, he may have reportedly wanted to use the flashing lights of his motorcade to get to Le Diplomate faster, but who among us wouldn't be tempted, if we could, to run traffic lights on the way to our favorite brasserie?

But as the stories continued to pile up, week after week, often astonishingly petty and memorable, it became impossible to conclude that Pruitt wasn't behaving selfishly and indefensibly.

It pains me to say this as someone who was a fan of Pruitt's when he was Oklahoma attorney general, who supports his work as EPA administrator, and who waived off the initial stories — I thought he could get beyond them with an apology and a pledge to straighten up and fly right (i.e., coach).

Pruitt seems to represent a fairly common phenomenon: A talented, ambitious person works in government for a long time, makes relatively little money, especially compared with the donors and lobbyists who want his ear, and tries to boost his lifestyle by exploiting every possible perk and angle he can find.

So, Pruitt took a not-strictly-necessary trip to Morocco, often flew first class, got his security detail to pick up his dry cleaning, and used an aide to hunt for an apartment for him and (oddly) to try to obtain an old mattress

from the Trump International Hotel, among other tasks that aren't strictly — or even loosely — related to the EPA's mission or any other governmental purpose.

The latest is that Pruitt also used staff to help in his wide-ranging campaign to find work for his wife, and reached out to the CEO of Chick-fil-A about her getting a franchise. Reportedly, Pruitt wanted more income so the couple could maintain residences in Oklahoma and Washington. The fiscal strain is real, no doubt, but more lucrative work is wide open to Pruitt, although without the same fame and influence.

Pruitt's defenders say the left is desperate, given his deregulatory successes, to take him out. True enough. Any ideologically conservative Trump EPA administrator is going to have a target on his or her back, which is all the more reason to be purer than Caesar's wife rather than giving the opposition an unremitting diet of embarrassing revelations.

Every indication is that Pruitt's questionable practices have created a poisonous internal atmosphere at his EPA, as his aides have been riven by disputes over his travel and spending, and many have departed. None of this is necessary to deregulation; indeed, it detracts from doing the work and, especially, from making the public case.

If Pruitt is a hero of the Trump agenda, he's not the only one capable of carrying it out. As Charles de Gaulle supposedly said, the graveyards are full of indispensable men — especially if they've become political liabilities and have Senate-confirmed deputies to pick up the same policy priorities with fewer distractions and, presumably, a more cohesive team.

The Natural Resources Defense Council headlined its piece on Pruitt's deputy administrator: "Who is Andrew Wheeler? (And Why You Should Be Afraid of Him)." The NRDC calls the former energy lobbyist and Sen. Jim Inhofe aide "Scott Pruitt's ideological twin."

He should take up Pruitt's baton, and forswear his controversies.

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### **Barrasso calls for 'sufficient' funding for EPA watchdog [Back](#)**

By Anthony Adragna | 06/13/2018 06:56 PM EDT

Senate Environment and Public Works Chairman [John Barrasso](#) is demanding the Senate provide "sufficient" funding for EPA's inspector general to handle the numerous probes into Administrator Scott Pruitt's ethical and spending scandals.

In a [letter](#) obtained today by POLITICO, Barrasso (R-Wyo.) referenced a February [letter](#) where Inspector General Arthur Elkins wrote that President Donald Trump's proposed OIG budget of \$46 million would "substantially inhibit the OIG from performing the duties of the office." He requested funding for his office of \$62 million.

"Please note that since Mr. Elkins' letter, the OIG has not only expanded a number of ongoing reviews, but has also initiated additional reviews concerning a wide range of allegations related to the Office of the Administrator," Barrasso wrote in a letter Monday to Sen. [Lisa Murkowski](#) (R-Alaska), who chairs the Appropriations subcommittee responsible for EPA funding.

Barrasso did not specify what he considered "sufficient" funding for the office. The full Senate Appropriations Committee will mark up its EPA funding bill Thursday.

House Republicans shot down an effort last week by Democrats to boost OIG funding for fiscal 2019 beyond the \$50 million contained in their spending package.

The committee declined to state when it might call Pruitt for a hearing, even after Sen. Jim Inhofe (R-Okla.) demanding one earlier today amid continued ethical woes.

"Chairman Barrasso has consistently said that he intends to call Administrator Pruitt back up to the committee later this year for a hearing," a spokesman said. "The Chairman has also said he is awaiting the findings from the EPA inspector general and the White House reviews."

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### **EPA IG refers lawmakers' questions on Pruitt legal defense fund to ethics officials [Back](#)**

By Alex Guillén | 06/13/2018 02:30 PM EDT

EPA's inspector general told several House Democrats today that their questions about Administrator Scott Pruitt's legal defense fund should be directed at agency ethics officials instead.

In a letter, EPA IG Arthur Elkins said that some of the Democrats' questions "are not actions related to his official government capacity, or about EPA activities or funds." The rest are "primarily, if not fully, ethics questions that should be addressed to EPA ethics official or to the U.S. Office of Government Ethics."

Those ethics officials might eventually refer to the OIG some issue regarding Pruitt's fund, at which point, Elkins wrote, "we will decide if any further OIG action is warranted."

The House Democrats wrote last month inquiring about Pruitt's fund, which is being managed by a private attorney outside of EPA.

**WHAT'S NEXT:** A spokesman for Don Beyer (D-Va.) said the Democrats likely will follow up with both EPA's ethics officials and OGE.

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### **House Republicans draft bill that would penalize states that block offshore drilling [Back](#)**

By Ben Lefebvre | 06/13/2018 05:25 PM EDT

House Republicans are floating a draft bill that would allow governors to bypass federal environmental reviews on oil and gas drilling projects in their states, and that would also penalize coastal states that prohibit offshore drilling.

The draft bill, which House Natural Resources Committee members will discuss at a subcommittee hearing Thursday, would give states complete control of energy development on their land. It would also fly in the face of coastal state lawmakers who have protested Interior's plan to open all federal waters to oil and gas rigs.

According to the draft, governors could submit land management plans to Interior for any federal acreage the department planned to put up for oil and gas lease auctions. If Interior accepted the plan, drilling projects would be subject only to state regulations and would be exempt from those in the National Environmental Protection Act.

Interior would also allow states to remove offshore oil and gas blocs from federal offshore lease sales. But if states opt to remove more than half the blocs off their coasts from the auction, Interior would charge them 10 percent of the revenue it would expect to receive from oil and gas development. It would also levy an additional 10 percent for every lease bloc the state rejected.

The draft language also stipulates that Interior would not have to make public the measurements of how much oil and gas exists in offshore reserves if private companies paid to collect the data.

**WHAT'S NEXT:** The House Natural Resources subcommittee on energy and mineral resources will discuss the bill on Thursday.

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**Trump aims to open California, Florida, Atlantic waters for oil drilling** [Back](#)

By Ben Lefebvre | 01/04/2018 11:00 AM EDT

The Trump administration unveiled a plan Thursday to open vast new stretches of federal waters to oil and gas drilling, erasing the policies put in place by previous Democratic and Republican administrations and setting up a conflict with state governments fearful about the risk of spills.

The proposal drew immediate criticism from Florida officials, including Republican Gov. Rick Scott, a supporter of President Donald Trump who is expected to challenge Democratic Sen. Bill Nelson this year, as well as Republican Sen. Marco Rubio.

And Republican governors like New Jersey's Chris Christie and Maryland's Larry Hogan have in the past opposed opening the federal waters off their states. North Carolina's Democratic governor weighed in Thursday, saying the move represented a "critical threat" to his state's economy.

"I can sum it up in four words: not off our coast," Gov. Roy Cooper said in a press release.

Even the U.S. military has also previously warned against allowing oil rigs near the Florida shore due to concerns they could interfere with F-35 fighter training maneuvers.

The Interior Department's newly proposed five-year outer continental shelf plan, designed to align with Trump's call for increased domestic energy production, would put up for auction the right to drill in areas offshore that in some cases had been off limits for decades. It would allow Interior to offer for lease federal waters in the Arctic, as well as the Atlantic and Pacific oceans and the eastern Gulf of Mexico, even as the department proposes to loosen offshore drilling safety regulations put in place after the massive 2010 BP oil spill.

"This is the start at looking at American energy dominance and looking at our offshore dominance," Interior Secretary Ryan Zinke told a conference call. "This is the beginning of an opening up. We will listen to all the communities of stakeholders. The states will have a voice."

Thursday's move starts a process that will run for at least several months, since Interior is required to collect public comment on the plan. But the department has already taken some steps to open some formerly closed areas, proposing earlier Thursday to make available seismic survey data for the waters off Hawaii that would be useful for oil and gas companies looking to explore the area.

But it would put the administration — and oil and gas drillers — in direct opposition to state lawmakers who don't want to see oil rigs dotting their coastline. Tourism in Gulf Coast states took years to recover from the 2010 explosion of BP's Deepwater Horizon oil rig, which killed 11 people and spewed nearly 5 million barrels of oil into the water, ultimately costing the oil company more than \$40 billion in fines and clean-up.

"The question of to-drill-or-not-to-drill has already been asked and answered" by coastal states now included in Interior's leasing map, said Diane Hoskins, campaign director at environmental group Oceana. "This plan proposes to open up places that have been closed to drilling for more than 30 years, and we expect those communities to make their voices heard."

Industry groups applauded the move, saying the energy companies would benefit from increased access to federal lands.

"The plan announced today is a long term commitment to securing our energy future, and would help cement America's role as an energy superpower, creating jobs and contributing to our economy," said Karen Harbert, chief executive officer of the U.S. Chamber of Commerce's Global Energy Institute.

In a Senate floor speech Wednesday, Nelson vowed to fight drilling in the state's coastal waters, and threatened to seek to undo any Interior action by using the Congressional Review Act, a long-shot move since Republicans control both Congress and the White House.

Nelson called on Floridians to join him in fighting the move, invoking BP's Deepwater Horizon disaster and saying they should remember "what happened to us when the beaches of Pensacola Beach were blackened with tar and oil, and we lost a whole season of our guests, our tourists who come to this extraordinary state."

Gov. Scott also joined in calling for Trump to reconsider, saying he has asked to meet with Zinke directly to urge him to remove Florida's coastal areas from the plan.

The White House downplayed Scott's criticism, and press secretary Sarah Huckabee Sanders told reporters, "Just because we may differ on issues from time to time doesn't mean that we can't have an incredibly good and strong relationship."

The proposal calls for the first lease sales to take place in the waters off Alaska's northern coast before moving to the water off the lower 48 states.

"In 2019-2024, we will conduct 47 different lease sales, starting in Beaufort and Chukchi seas. Then we jump to lease sales in Pacific, Gulf of Mexico and Atlantic planning areas," Kate MacGregor, deputy assistant secretary for Land and Minerals Management, told the call.

President Barack Obama had considered opening portions off the Atlantic coast to oil and gas exploration until local pushback convinced his administration to reverse course. But the Trump administration may not place as much weight on local input, said Sierra Weaver, senior attorney at the Southern Environmental Law Center.

"The governors of Virginia and North Carolina have specifically asked to exclude those states from a five-year leasing plan," Weaver said. "You're going to see a fight here, not only with locals but with state governments."

Representatives for Virginia Gov. Terry McAuliffe, North Carolina Gov. Roy Cooper and New Jersey Gov.-elect Phil Murphy, all of whom have opposed offshore drilling proposals in the past, declined to comment pending review of Interior's proposed plan. Virginia Gov.-elect Ralph Northam also has previously voiced opposition to offshore drilling expansion near the state.

Prospects could be even dimmer for major new drilling in the Pacific. The waters off California haven't been offered for drilling to companies in decades, and the region remains wary of new projects since the 1969 oil spill in Santa Barbara that was the worst in the country's history until the Exxon Valdez spill two decades later.

California Gov. Jerry Brown pledged to fight the effort to restart drilling activity in the Pacific.

"This political decision to open the magnificent and beautiful Pacific Coast waters to oil and gas drilling flies in the face of decades of strong opposition on the part of Oregon, Washington and California — from Republicans and Democrats alike," he said in a statement. "For more than 30 years, our shared coastline has been protected from further federal drilling and we'll do whatever it takes to stop this reckless, short-sighted action."

Even if Interior's plan becomes a reality, it's not likely oil and gas companies would immediately ready their drill ships. Offshore drilling remains expensive and time consuming, a combination that may not make immediate sense in an era of cheap oil and ready-to-access onshore shale plays.

In August 2017, a lease sale for the areas of the Gulf of Mexico already open for drilling drew just \$121 million for 508,096 acres, a far cry from the result in March 2013 before oil prices crashed when companies bid \$1.2 billion for 1.7 million acres just in the central Gulf region.

Although oil and gas production in the Gulf of Mexico is expected to hit a record-high in 2018, companies are still wary of venturing into new areas, according to William Turner, analyst at Wood MacKenzie. Instead, they are more interested in expanding the footprint of their current offshore operations, a cheaper and more sure option that doesn't require much new leasing.

Those companies may look at prospects further east, toward the coast of Florida, said Kevin Book, lead researcher at energy consultancy Clearview Energy Partners. But with even the state's GOP against drilling in the area, it may be more trouble than it's worth.

"The eastern Gulf offers the best combination of prospectivity and proximity to existing infrastructure," Book said. "But its greatest value may be politics, not petroleum — today's inclusion of the Gulf of Mexico could pave the way to re-election for Florida Republicans who claim they stopped" drilling in the area.

Wood MacKenzie's Turner said the waters off the Atlantic coast are more challenging to navigate than in the Gulf. Hurricanes pass through both regions, he said, but the swift water currents in the Atlantic can be too rapid to safely float drill rigs in the deepwater areas out of view of the shore.



"And the closer you get to shore the more people there will be who won't like to see rigs on their horizon," Turner said. "There's going to be pushback."

Meanwhile, the Interior Department has drafted language to soften key parts to the offshore drilling safety rule put in place in the aftermath of the 2010 Gulf disaster, in some cases completely removing government oversight of drill rig security.

The draft rule proposal from the Bureau of Safety and Environmental Enforcement, seen by POLITICO, would roll back many parts of the Well Safety Rule that the Obama administration finalized in 2016.

Among the proposals is one that would remove BSEE from the process of inspecting and verifying parts of the blowout preventer, the device used to seal wells and the malfunction of which helped lead to the Deepwater Horizon explosion. Instead, inspecting the blowout preventer will be left to "independent third parties."

Oil and gas companies would also be off the hook for providing blowout prevention system test results to the agency in case BSEE personnel are not present at the site. BSEE, in its draft proposal, said the move would reduce its workload.

It would also remove the requirement that companies monitor their blowout control systems in real time, instead only mandating that companies possess the equipment necessary to do so. The draft rule says certain equipment need only be tested once during its lifespan instead of the current twice weekly.

Interior said that relaxing the rules would spur more oil and gas production, and save companies up to \$946 million over a decade, BSEE estimates.

"By reducing the regulatory burden on industry, we are encouraging increased domestic oil and gas production while maintaining a high bar for safety and environmental sustainability," Director Scott Angelle said in a press release announcing the earlier rule change proposals.

But critics charge that overall changes, particularly to the Well Safety Rule, essentially put an agency created to enforce safety standards in the wake of the Deepwater Horizon blast in the position of promoting oil and gas production over protecting rig workers.

"The rule was six years in the making, the result of multiple investigations of the Deepwater Horizon incident," said Michael Bromwich, the former first director of BSEE and currently managing principal of The Bromwich Group. "It is odd, to say the least, that they are going to change a significant number of requirements in that well-considered regulation after only a year. It looks like a feeding frenzy — the door is open, tell us what changes you want, and we'll provide those to you."

*Alex Guillén contributed to this report.*

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**Republican senators ask Trump to send Kigali treaty to Senate [Back](#)**

By Eric Wolff | 06/11/2018 04:34 PM EDT

A group of 13 Republican senators are calling on President Donald Trump to send a treaty limiting global use of a climate change-causing coolant to the Senate for ratification.

The Kigali amendment to the Montreal Protocol would phase down use of hydrofluorocarbons, a global-warming inducing chemical used in cooling systems.

But unlike the Paris climate agreement, the Kigali measure is strongly supported by U.S. companies, since the coolant makers could become the world's biggest supplier of the next generation coolants. If the U.S. fails to approve the amendment, the companies would face steep trade barriers.

"By sending the amendment to the Senate, you will help secure America's place as the global leader in several manufacturing industries, and in turn give American workers an advantage against their competitors in the international marketplace," the senators write in a letter sent today.

Treaty backers worry Trump's antipathy to multilateral deals and climate agreements could jeopardize the deal that was struck at the end of the Obama administration.

The letter was signed by Republican Sens. John Kennedy (La.), Susan Collins (Maine), Bill Cassidy (La.), Lindsey Graham (S.C.), Lisa Murkowski (Alaska), Johnny Isakson (Ga.), Marco Rubio (Fla.), Lamar Alexander (Tenn.), Jerry Moran (Kansas), Tim Scott (S.C.), Roy Blunt (Mo.), John Boozman (Ark.), and Todd Young (Ind.).

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**House panel questions NRDC's close ties to China** [Back](#)

By Anthony Adragna | 06/05/2018 02:12 PM EDT

The House Natural Resources Committee is demanding to know whether the Natural Resources Defense Council has ever registered under the Foreign Agents Registration Act, alleging the green group's close ties to China may have influenced its advocacy efforts in the United States.

In a letter, Chairman Rob Bishop (R-Utah) and Oversight and Investigations Subcommittee Chairman Bruce Westerman (R-Ark.) said NRDC engages in "self-censorship" and generally refrains from criticizing the Chinese government's actions on environmental matters as a way to maintain its access.

"The Committee is concerned that the NRDC's need to maintain access to Chinese officials has influenced its political activities in the United States and may require compliance with the Foreign Agents Registration Act," the Republicans wrote.

It's the second time this Congress that Republicans have questioned ties between U.S. environmental groups and foreign entities. House Science Chairman Lamar Smith (R-Texas) previously argued Russian groups bankrolled anti-fracking groups and called on Treasury Secretary Steven Mnuchin to investigate.

NRDC said in a statement that it "seeks environmental solutions that are grounded in sound science, U.S. law and the public interest." And it defended its work in China, saying the country "has much to do with the kind of world future generations inherit."

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**Subject:** Shimkus: Committee 'cannot ignore' Pruitt scandals

By Nick Juliano

04/26/2018 10:11 AM EDT

Rep. John Shimkus said he considers the negative headlines surrounding EPA Administrator Scott Pruitt "a distraction," but one he will have to answer for.

Shimkus chairs the Energy and Commerce Subcommittee on Environment, where Pruitt is testifying in his first of two Capitol Hill appearances today.

"I consider much of this narrative to be a distraction but one this committee cannot ignore," Shimkus said in his opening statement, after praising Pruitt's policy moves.

Pruitt is facing numerous investigations from Congress, the White House and government watchdogs into his taxpayer-funded first-class travel; unprecedented, 24-hour security detail; and sweetheart rental deal with the wife of a lobbyist who sought to influence his agency. Ahead of the hearing, EPA distributed a 23-page document responding to various allegations.

The Energy and Commerce environment subcommittee is grilling Pruitt this morning, and the administrator is scheduled to testify before a House Appropriations subcommittee this afternoon.

President Donald Trump has stuck by Pruitt, praising his work to pare back environmental rules and wary of upsetting conservatives who strongly support the administrator. But patience is wearing thin in the White House, and today's hearings are seen as a key test for the embattled administrator.

The administration's desire to avoid another tough confirmation fight also appears to be weighing in Pruitt's favor. Trump's secretary of state nominee Mike Pompeo is expected to barely squeak through his confirmation process. And Rear Adm. Ronny Jackson withdrew his nomination today to be the next head of the Department of Veterans Affairs, throwing that process into turmoil.

The hearing is streaming here.

*To view online:*

<https://www.politicopro.com/energy/whiteboard/2018/04/shimkus-committee-cannot-ignore-pruitt-scandals-1116474>

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**Subject:** Morning Media: Journalists top Trump's enemies list — Zucker's staying — Sanders splitting? — Covering suicide

By Michael Calderone | 06/14/2018 05:32 AM EDT

**TWO YEARS AGO TODAY** I wrote how Republican candidate Donald Trump had taken a page from the "autocrat's media playbook." He was vilifying the press, blacklisting news organizations, threatening to punish media owners like Jeff Bezos if elected, and dismissing crackdowns on journalism and free expression in countries like Russia and China.

- **The presidency hasn't toned down** Trump's rhetoric. In a Fox News interview airing Wednesday evening, Trump downplayed North Korean dictator Kim Jong Un's human rights abuses, saying he "could go through a lot of nations where a lot of bad things were done." Earlier in the day, the president leveled one of his most extreme attacks on the press since taking office. He declared the news media, especially CNN and NBC - and not, say, a nuclear-armed autocrat - to be the country's "biggest enemy."

- **"Someone is unhappy with headlines** reflecting what happened instead of what he wants to say happened," New York Times reporter Maggie Haberman responded. Trump lashing out at critical coverage came as Secretary of State Mike Pompeo scolded a reporter Wednesday for asking a reasonable question about the nuclear verification process. Pompeo said the question was "insulting and ridiculous and, frankly, ludicrous."

- **Trump urged the public to trust him**, not the press, as a candidate. He's done the same as president and, presumably, will continue this strategy in seeking re-election. Brad Parscale, who is managing Trump's 2020 re-election campaign, called for revoking a reporter's press credentials this week and said that "the media should be cheering" Trump's progress with Kim. The media's "dislike" for the president, he said, "is greater than their love of peace."

**Good morning and welcome to Morning Media.** The first World Cup match is at 11 a.m. on Fox (or you can try streaming). As always, you can reach me at [@mcalderone](mailto:mcalderone@politico.com). Daniel Lippman ([@dlippman](mailto:@dlippman)) contributed to the newsletter. Archives. Subscribe.

**SANDERS, SHAH LEAVING?** CBS News's Jacqueline Alemany reports that White House press secretary Sarah Huckabee Sanders and principal deputy press secretary Raj Shah "are both heading for the exits." Sanders, she wrote, has "told friends that she plans to leave the administration at the end of the year."

- **"Does @CBSNews know something** I don't about my plans and my future?" Sanders tweeted in response. "I was at my daughter's year-end Kindergarten event and they ran a story about my 'plans to leave the WH' without even talking to me. I love my job and am honored to work for @POTUS."

**ZUCKER'S STAYING:** CNN chief Jeff Zucker has renewed his contract through the 2020 election, reports Vanity Fair's Joe Pompeo. News of Zucker's status at the network comes a day after AT&T beat Trump's Justice Department in court to acquire CNN parent Time Warner. Pompeo reports that AT&T executives were aware of the contract renewal when it was brokered several months ago.

**INGRAHAM WANTS PRUITT OUT:** Laura Ingraham, a Trump-supporting radio and Fox News host, has called for scandal-plagued EPA administrator Scott Pruitt to go. "The tweet makes Ingraham the highest-profile

conservative to call for the ouster of Pruitt, who is facing a dozen congressional and EPA investigations into his spending on security and first-class travel, sweetheart condo rental from a lobbyist and using aides to handle his personal business," write POLITICO's Anthony Adragna and Alex Guillen.

- **"Scott Pruitt Should Go,"** National Review editors declared Wednesday. The conservative magazine's editors said they support most of Pruitt's policy views but noted that "we are now at a point where a good week for Pruitt sees only one report of behavior that is bizarre or venal."

**NORTH KOREA'S PROPAGANDA MACHINE:** Bloomberg's David Tweed, Kyung Bok Cho, and Kanga Kong report "the propaganda push [at this week's summit] not only signaled Kim's new confidence on the world stage after a series of diplomatic wins, it also conveyed a desire for greater openness and economic development." They also describe how "North Korea's traveling media delegation - dressed in matching black - followed Kim through Singapore documenting throngs of fascinated onlookers."

- **"Attempts by Bloomberg News to engage** the North Korean reporters were rebuffed, although they did become useful for another reason," they write. "The close coordination between the Pyongyang delegation and its traveling press meant that when the North Korean journalists sprang into action, it signaled to the rest of the media pack that Kim was about to make a move."

**WATCH:** NBC's Jacob Soboroff was among a group of journalists to tour a former Walmart-turned-immigrant detention center. "This place is called a shelter, but effectively, these kids are incarcerated," he said. "There are 1,400 of them."

**COVERING SUICIDE:** The AP's David Bauder looks at how some news organizations are reassessing how they cover suicides following the deaths of Kate Spade and Anthony Bourdain. "Some of the guidelines being discussed contradict the natural impulses of journalists," Bauder writes. "When some younger reporters at a major national news organization urged that the suicide hotline be publicized following last week's deaths, an editor said that it wasn't their job because 'we're not social workers,' said Kelly McBride, media ethicist for the Poynter Institute. She wouldn't identify the outlet."

- **"If a suicide is newsworthy,** we want to give readers the key facts and not leave them in the dark," New York Times standards editor Philip Corbett told Bauder. "That would typically include such basic information as where and how. But we want to avoid a level of detail that might seem sensational, gratuitous or voyeuristic. We would likely report whether there was a note, but would consider very carefully before publishing anything from the note."

**NYT EXAMINING WATKINS' WORK:** The New York Times's Michael Grynbaum reports that the paper is reviewing the work history of Ali Watkins, the reporter whose phone and email records were seized last week as part of a leak investigation. Watkins had a years-long relationship with former Senate Intelligence Committee aide James Wolfe, who was charged last week with lying to investigators about contacts with journalists. Watkins worked at POLITICO prior to joining the Times in December.

**THE HILL LAUNCHES HILL.TV:** The Washington news organization unveiled its new political TV network (Hill.tv) on Wednesday with the debut of "Rising," a show co-hosted by former MSNBC anchor Krystal Ball and conservative radio show host and former CIA analyst Buck Sexton. The show's first guests included Sen. Ted Cruz and director and liberal activist Rob Reiner, whose new film, "Shock and Awe," focuses on the prescient reporting from journalists at Knight Ridder - now McClatchy - in the run-up to the Iraq War.

- **"These four guys got it all right,"** Reiner said of the Knight Ridder reporters, whose articles running in regional papers were overshadowed by inaccurate and credulous reporting in major national outlets, such as the New York Times. Knight Ridder's work didn't get traction, Reiner said, because a post-9/11 "patriotic fervor"

led some in the press to not aggressively question the Bush administration's claims and also because the administration largely ignored their coverage.

**CONGRATS:** The New York Times sports reporter Juliet Macur won this month's Sidney Award for her reporting on the exploitation of "non-cheering" cheerleaders.

## REVOLVING DOOR

**Tim Regan-Porter** has been named McClatchy's South region editor, where he'll oversee the Ledger-Enquirer (Columbus, GA), the Telegraph (Macon, GA) and the Sun Herald (Biloxi, MS). He was previously executive director of the Center for Collaborative Journalism at Macon's Mercer University.

**Mark Albert**, a television journalism veteran most recently with CBS News, has been named chief national investigative correspondent and will lead a new Hearst Television investigative unit in Washington. **Matt Prichard**, who has worked at major TV stations in Albany, Georgia and Colorado Springs, is also joining the Washington bureau.

**Sarah Oweremohle**, most recently with S&P Global Market Intelligence, is joining POLITICO's health care team. **Rachel Roubein**, who covered health policy and politics for The Hill, is also joining the health care team.

**Mollie Bowman** has started on POLITICO's comms team to promote the publication and its journalism, talent and tools. She previously worked for POLITICO Live as an audience engagement associate.

## EXTRAS

- Betsy Fischer Martin and Erin Fogarty Owen reflect on the death of Tim Russert on the 10-year anniversary.
- The Washington Post's Philip Bump writes that "untrue tweets from Trump shouldn't be unchallenged in headlines."
- Nieman Lab's Laura Hazard Owen checks in with Civil as the startup rolls out its "first fleet" of sites.
- Vanity Fair's Rebecca Keegan writes "how The Fourth Estate kept the New York Times's Glenn Thrush scandal on the record."
- The New York Times has launched a personalized newsletter, "Your Weekly Edition."

## KICKER

"We are not the enemy of the American people. We love the American people." - *CNN anchor Wolf Blitzer* said Wednesday.

*To view online:*

<http://www.politico.com/media/newsletters/morning-media/2018/06/14/journalists-top-trumps-enemies-list-zuckers-staying-sanders-splitting-covering-suicide-001540>

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**Subject:** POLITICO's Morning Energy: Pruitt steps up to the plate — Tester's 'great equalizer' — Bishop still talking NEPA

By Kelsey Tamborrino | 04/26/2018 10:00 AM EDT

*With help from Anthony Adragna*

**PRUITT STEPS UP TO THE PLATE:** Scott Pruitt makes his eagerly anticipated trip to the Hill this morning, and the stakes couldn't be higher for the embattled EPA administrator. His appearances before the House E&C Committee in the morning and Appropriations panel in the afternoon - ostensibly to defend the Trump administration's proposed cuts to EPA's budget - will give lawmakers their first opportunity to directly question Pruitt since the news broke about his heavy spending, sweetheart condo rental, VIP security and first-class flights. And while both Democrats and Republicans are expected to pull no punches as they weigh Pruitt's behavior, the real audience will be sitting in 1600 Pennsylvania Ave.

**Check out this graphic breakdown** of Pruitt's problems by POLITICO's Emily Holden, Alex Guillén and your ME host.

- **The administrator has kept a low profile** in the lead-up to today's events - even leaving press out of a Tuesday announcement on his plan to ban secret science - but expect the cameras to be out in force this morning. ME breaks down what to expect today as Pruitt heads for the batter's box. (ME is also taking suggestions for an appropriate walk-up song. One option here.)

**THE GAME PLAN:** Pruitt will point out he now flies coach when he travels, and shift the blame to staffers for the raises given to two of his close aides, according to a talking points document - dubbed "hot topics" - obtained by The New York Times. He will likely also say officials who were reassigned or demoted after challenging his spending all had performance issues.

- **EPA did not dispute the authenticity** of the Times document, but spokesman Jahan Wilcox said Pruitt would tout "the accomplishments of President Trump's EPA," including "working to repeal Obama's Clean Power Plan and Waters of the United States, providing regulatory certainty, and declaring a war on lead - all while returning to Reagan-era staffing levels." You can read Pruitt's full opening statement for the E&C hearing here.

**DEMOCRATS WILL SEARCH FOR ANSWERS:** The afternoon session is expected to dive into Pruitt's proposed deep cuts to the agency's budget and his deregulatory actions, but that doesn't mean Democrats will ignore the ethics woes dogging the embattled chief. "Administrator Pruitt, you are letting the American people and your agency down," Rep. Betty McCollum, ranking member of the Appropriations subpanel, plans to say. Democrat Nita Lowey, the ranking House appropriator, will question Pruitt on the Antideficiency Act after the Government Accountability Office found EPA illegally failed to notify Congress about the cost of his secure phone booth. Meanwhile, E&C's top Democrat Frank Pallone wouldn't tip his hand: "I just hope he shows up," he said when ME asked for his plan of attack.

- **House Energy and Commerce Democrats** will hold a news conference at 9 a.m. to once again call for Pruitt's ouster. Kathy Castor and Paul Tonko will attend, alongside representatives from numerous green groups.

**REPUBLICANS OFFER SOME ADVICE:** "Answer the questions and stay calm," John Shimkus said. "And the time will eventually end." The Illinois Republican didn't let on about his line of questions to Pruitt, but added: "It's not going to all be addressing stewardship issues. There are going to be policy questions."

- **Fellow Oklahoman and member of the Approps committee** Tom Cole expects the "highly charged" hearing to contain some "pretty much straight budget questions" - at least from the Republican side. Cole said he recently spoke to Pruitt on the upcoming hearing and warned him it would be "rugged."

**Keep in mind:** None of the committee Republicans said they'd been in contact with the White House ahead of the session. Shimkus said the Republicans hadn't huddled ahead of time to develop a game plan as they sometimes do with high-profile hearings. And Democrats are expected to turn out in force - E&C members not on the Environment subpanel will "waive in" to the hearing. They don't need GOP permission to do so, but will have to wait until all subcommittee members participate before asking questions. ME would look here for especially fiery questions or any surprises.

**STRIKE 3?** Pruitt's critical audience, of course, will be President Donald Trump, who has so far stuck by him, but is expected to judge how Pruitt fares in front of the cameras, POLITICO's Anthony Adragna and Nancy Cook report. So far, Pruitt's support among Trump's conservative backers has kept him on solid ground, despite the growing resentment of a "high maintenance" EPA chief among White House officials. "The president is always nervous about offending his base, and Pruitt has real support in the base," said one Republican close to the White House. "If that base diminishes, he does not have a chance of being reelected. He generally likes what Pruitt is doing over there, but he has no relationship with Pruitt of any note. He could get someone else."

**IN THE OUTFIELD:** Environmental group Defend Our Future will hand out first-class boarding passes today at the Pruitt hearing, while Moms Clean Air Force will deliver these report cards. And the League of Conservation Voters and its state partners will launch television ads today urging Sens. Dean Heller and Cory Gardner to hold Pruitt accountable. Watch them here and here.

**If you go:** The E&C hearing will begin at 10 a.m. in 2323 Rayburn, and the Appropriations hearing at 2 p.m. in 2007 Rayburn. Watch the livestreams here and here.

**IT'S THURSDAY!** I'm your host Kelsey Tamborrino, and the American Petroleum Institute's Jeff Stein was the first to name Khartoum, Sudan - the capital city where the Blue and White Niles meet to form the Nile. For today: Name the state where the first officially designated Democratic floor leader hailed. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning\_Energy and @POLITICOPro.

**POLITICO's Ben White is bringing Morning Money** to the Milken Institute Global Conference to provide coverage of the day's events and evening happenings. The newsletter will run April 29 - May 2. Sign up to keep up with your daily conference coverage.

**PUBLIC LANDS CRUCIAL FOR TESTER:** Democratic Sen. Jon Tester's bid for reelection could come down to how he handles public lands issues, Pro's Kevin Robillard reports. Close to one-third of the land in Tester's home state of Montana is under federal government ownership, and the Democratic senator hopes to use it to keep on board those who voted Trump - including hunters, hikers, snowmobilers and ranchers. "Public lands is one of the great equalizers. It's part of who we are," Democratic Gov. Steve Bullock told Kevin. "It doesn't matter what our political beliefs are, it's a core part of our lives."

**Tester's strategy is part of a larger effort by Democrats** in the West to emphasize lands. Bullock emphasized it in his reelection bid in 2016 and New Mexico Sen. Martin Heinrich, who is expected to easily win reelection in 2018, started his reelection bid with a video focused heavily on public lands issues. And Democratic strategists think it can help them in states throughout the interior west. "There a lot of people here who are

single-issue voters, and that issue is public lands," said Nick Gevock, the conservation director at the Montana Wildlife Federation. Read [more](#).

**DEMOCRATS CALL FOR SPECIAL COUNSEL:** In a letter Wednesday to the U.S. Office of Special Counsel, Pallone and Oversight ranking member [Elijah Cummings](#) requested an investigation into whether there is a pattern of problematic personnel practices at EPA. The Democrats point to recent reports of agency officials being reassigned, demoted or requesting new roles, after voicing concerns on Pruitt. "The reassignment or dismissal of employees who questioned Administrator Pruitt's wasteful and potentially unlawful expenditures suggests a troubling pattern of retaliation against EPA employees that may be illegal," they write. Read the letter [here](#).

**BISHOP STILL TALKING NEPA:** House Natural Resources Chairman [Rob Bishop](#) told ME he's been in contact with administration officials "over the last few weeks" about a series of modifications to NEPA that he says "run the gamut." His two overarching goals are to speed the permitting process and to enact categorical exclusions that will limit litigation to allow projects to advance more quickly. "It's one of the consistent problems they recognize," he said of the administration's engagement on NEPA.

**Apples to oranges:** Controversy over [\\$139,000 spent on doors](#) at Interior is not comparable to spending woes engulfing Pruitt, according to Bishop. "There are some real issues and there are some issues that we play around with," he said. "This is one I think people are playing with." Interior officials said previously that career facilities and security officials recommended the work and that Secretary Ryan Zinke was not aware of it.

**THAT DAM BILL:** The House passed a heavily watched measure, [H.R. 3144 \(115\)](#), Wednesday that would override a court decision requiring changes in the operations of major hydropower dams in the Pacific Northwest to help protect endangered salmon. The measure, from Washington Rep. [Cathy McMorris Rodgers](#), passed by a nearly party-line vote of 225-189, and now heads to the Senate, where some of the region's Democratic senators have [made known](#) their opposition. Pro's Annie Snider breaks down more [here](#).

**REFINERY WORKERS HIT THE HILL:** Close to 100 workers from refineries Monroe Energy, Philadelphia Energy Solutions and PBF Energy will rally for their jobs and Renewable Fuel Standard reform on the Hill today, the United Steelworkers said. The rally begins at 1 p.m. in the "Senate Swamp" - the grass across the drive from the east Senate steps. Texas Sen. [Ted Cruz](#) will participate in a press conference with the workers at the same time. Watch the livestream [here](#).

**OFF-SHORE UP SUPPORT:** While it didn't have quite the same build-up as Pruitt's hearings this morning, the House Natural Resources energy and mineral resources subcommittee will hold a hearing today on offshore energy revenue sharing for Gulf-producing states, with a focus on the Gulf of Mexico Energy Security Act. Democrats intend to call out the oil and gas industry and demand they take responsibility for their role in causing the destruction of Louisiana wetlands, according to a release. Former Sen. Mary Landrieu (D-La.), now a senior policy adviser at Van Ness Feldman, and John Barry, former board member of the Southeast Louisiana Flood Protection Authority - East, will testify, among others. **If you go:** The [hearing](#) begins at 10 a.m. in 1324 Longworth.

**GET YOUR COMMENTS IN:** [Comments](#) are due today on EPA's proposed repeal of the Clean Power Plan. The Competitive Enterprise Institute, for one, will file a comment today in support of the proposed repeal, calling the CPP "unlawful." Close to 20 other individuals from free-market groups signed onto the joint comment. Google, meanwhile, submitted its own comment Wednesday "respectfully" urging EPA to forgo the repeal. "Google continues to believe that the Clean Power Plan aligns with overall electricity sector trends and the specific goals of our company," [it says](#). The Natural Resources Defense Council and NRDC Action Fund said it generated 208,000 comments in support of keeping the CPP.

**MAIL CALL! IN THE AIR TONIGHT:** California Sen. [Dianne Feinstein](#) wrote to Transportation Secretary Elaine Chao Wednesday, calling on her to maintain national fuel economy standards set by California under the Clean Air Act. "I ask for your commitment to maintain the Corporate Average Fuel Economy standards at the maximum feasible level, as required by law, and to seek consensus with California so that we can continue to enjoy the success of a coordinated national program to improve fuel economy," Feinstein wrote. Read the letter [here](#).

- **Eighty-seven lawmakers signed onto a letter Wednesday** that calls on Pruitt to reinstate the "once in, always in" [policy](#) to "safeguard" from harmful air pollutants. "This is a matter of critical human health and safety," the lawmakers write. Read it [here](#).

**GoT RENEWABLES?** Rapper Kanye West [tweeted](#) about his connection to Trump and their "dragon energy" on Wednesday. "We are both dragon energy. He is my brother. I love everyone. I don't agree with everything anyone does." Spoiler: It's not an energy company we forgot to tell you about. Bloomberg breaks it down [here](#), but earlier in the day, West described dragon energy as, "Natural born leaders Very instinctive Great foresight." The House Natural Resources [account tweeted](#) the exchange telling West to "have your people call our people."

## QUICK HITS

- Behind the scenes of Pruitt's Nevada trip, [E&E News](#).
- U.S. mine safety agency website 'hacked,' remains down, [S&P Global](#).
- Exxon Mobil boosts quarterly dividend to 82 cents, [Reuters](#).
- Climate change could make thousands of tropical islands "uninhabitable" in coming decades, new study says, [The Washington Post](#).
- Memo: Park Police officers were forbidden from wearing body cameras, [The Hill](#).
- Perry's son owns an energy investment company. Is that a problem? [McClatchy](#).

## THAT'S ALL FOR ME!

*To view online:*

<https://www.politico.com/newsletters/morning-energy/2018/04/26/pruitt-steps-up-to-the-plate-183688>

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## POLITICO PLAYBOOK

Today's POLITICO Playbook presented by AARP

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By JAKE SHERMAN ([sherman@politico.com](mailto:sherman@politico.com); [@JakeSherman](#)), ANNA PALMER ([anna@politico.com](mailto:anna@politico.com); [@apalmerdc](#)) and DANIEL LIPPMAN ([daniel@politico.com](mailto:daniel@politico.com); [@dlippman](#))

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### DRIVING THE DAY

**KEVIN MCCARTHY** tries to rescue California for Republicans, via the L.A. Times' Patrick McGreevy: "Republicans are on the verge of turning in at least 830,000 signatures for an initiative to repeal the [gas] tax increase. Even before they know for sure it will appear on the November ballot, the party's candidates up and down the state already are acting to direct voter anger over higher fuel prices at Democrats who boosted the levies. ...

**"The California Republican Party has sunk \$300,000 into 'Give Voters A Voice,'** the campaign committee seeking to qualify the repeal measure for the November ballot. Top Republicans have donated, with House Majority Leader Kevin McCarthy of Bakersfield giving \$400,000. Another \$250,000 came from Republican gubernatorial candidate John Cox, and hundreds of thousands more were donated by other GOP congressional candidates."

<https://lat.ms/2HuW6tH>

**-- THIS IS A BIG DEAL.** Why? Because Republicans think they can juice voter turnout if they include this measure on the ballot in November. California is very blue, but there are 14 Republicans from the Golden State in the House.

**Good Thursday morning.** White House Correspondents Weekend festivities kick off tonight. **THE PRESIDENT** is calling into "Fox and Friends" at 8 a.m. Just like the good old days.

**FROM 30K FEET ...** The EPA administrator is going to Capitol Hill today after a raft of stories about his penchant for first-class travel, his desire to be driven around in an armored SUV with run-flat tires in Washington and his decision to rent a condo from people who peddle influence in town. ...

**... THE PRESIDENT'S NOMINEE** to run the beleaguered VA has never managed more than a small cadre of people, and is now up for a job that involves managing the second-largest government agency, a department with 377,000 employees. He has also been accused of dishing out prescription drugs recklessly, allegedly passed out drunk at a hotel during a presidential trip, is said to have banged on a woman's door after a night of drinking and allegedly crashed a government car after boozing at a Secret Service going-away party. Jackson has denied many of these allegations.

**THE GENERAL CONSENSUS:** Dr. Jackson will withdraw, which will give the president a chance to nominate a vetted candidate that the Hill can confirm. This is an election year. Republicans want the president to make things easy for them.

**SPOTTED:** John Bolton and Sen. Ted Cruz (R-Texas) having dinner together last night at Capital Grille.

**JARED-SUPPORTED BILL HITS A SPEED BUMP**, via Heather Caygle and Elana Schor: "The House Judiciary Committee scrapped plans to vote on a prison reform proposal Wednesday, potentially dooming one of the few remaining prospects for significant bipartisan compromise this Congress.

**"The last-minute postponement of the measure came** as President Donald Trump's son-in-law and adviser Jared Kushner visited Capitol Hill to rally support for it. But the delay also followed what multiple House sources described as a behind-the-scenes opposition campaign from two Senate heavyweights, one from each party.

**"Senate Judiciary Committee Chairman Chuck Grassley** (R-Iowa) and Senate Minority Whip Dick Durbin (D-Ill.) have told House Judiciary panel members to oppose a narrower prison reform bill without the addition of a sentencing overhaul they spent months negotiating, House sources said." <https://politi.co/2HsDgr4>

**PALM BEACH POST'S GEORGE BENNETT: "Trump in Palm Beach: Sheriff's OT bill for feds \$3.3 million and growing":** "Palm Beach County Sheriff's deputies who help protect President Donald Trump when he visits Mar-a-Lago racked up nearly \$3.3 million in overtime during presidential trips between November and early February - money that county officials expect to get back from the federal government. Congress set aside \$41 million in March to reimburse local law enforcement agencies for 'extraordinary ... personnel costs' incurred through Sept. 30 'for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.'" <https://pbpo.st/2r2H5rZ>

**CHICAGO TRIBUNE -- "Chance the Rapper, Kanye West start Twitter political storms,"** by Kevin Williams: "The day began with West, who issued a series of tweets ranging from one that appeared to criticize former President Barack Obama to one that many suggested showed solidarity with President Donald Trump, who then thanked West for the tweet. ...

**"The list of prominent black artists who unfollowed West on Twitter** so far include Drake, Jaden Smith, Janelle Monae, Kendrick Lamar, Nicki Minaj, Rihanna and The Weeknd. The storm was ongoing, and then Chance the Rapper weighed in with a defense of the performer with whom he has collaborated." <https://trib.in/2Jw5VIu>

**MISSION INCOMPLETE -- @JenniferJJacobs:** "NEW: Macron says he thinks Trump will withdraw from the Iran nuclear accord. 'I believe he will get rid of this deal for domestic reasons,' Macron says. Macron urged him to stay in the deal, but suspects he was unsuccessful."

-- **MACRON** and **REP. JOHN LEWIS (D-GA.)** share quite a hug. <http://bit.ly/2HtWNaI>

**SMART STORY ... "Jackson troubles shine light on a fact of Washington life: Sleeping pills,"** by Eliana Johnson, Burgess Everett, Bryan Bender and Sarah Karlin-Smith: "Ronny Jackson, the White House physician who is battling to save his nomination to be the secretary of veterans affairs, regularly handed out the sleep drug Ambien and the alertness drug Provigil to West Wing officials traveling on overseas flights. Jackson's nomination has inadvertently exposed the widespread use of sleep and alertness drugs among government officials from the White House and State Department to the Pentagon and Congress itself.

**"Allegations about Jackson's liberal dispensation of Ambien and Provigil** come at a time when opioid abuse -- some of it enabled by doctors -- has ravaged communities across the country, increasing awareness about the dangers of casual pill-popping among the public at large. But nearly a dozen current and former officials -- including some who were treated by Jackson while working in the Obama White House -- say Jackson is being unfairly labeled



as a 'candy man' and that casual use of some prescription drugs is an established fact of life at the highest echelons of government. ...

**"By themselves, the charges that Jackson liberally doled out** sleep drugs may not be enough to disqualify him in the eyes of lawmakers on Capitol Hill - because, they say, they use them liberally, too. 'It does happen. I'm not one of those. I might have tried that once; it didn't work, and I've never tried it again,' said Senate Minority Whip Dick Durbin (D-Ill.). 'But people trying to avoid jet lag and go back to work and have a normal life? Sure!'"

<https://politi.co/2Jtxnq9>

\*\*\*\*\* **A message from AARP:** Did you know 50-plus voters will likely determine the outcome of the November midterms? Follow POLITICO's "The Deciders" series, launching in June, to better understand this influential voting bloc. *Presented by AARP. Stay informed.*

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## THE DOC HAS ISSUES ...

**-- NYT'S NICK FANDOS: "New Allegations Emerge Against Ronny Jackson as White House Digs In":** "Dr. Ronny L. Jackson, the White House physician nominated to lead the Veterans Affairs Department, provided such 'a large supply' of Percocet, a prescription opioid, to a White House Military Office staff member that he threw his own medical staff 'into a panic' when it could not account for the missing drugs, according to a summary of questionable deeds compiled by the Democratic staff of the Senate Veterans' Affairs Committee. A nurse on his staff said Dr. Jackson had written himself prescriptions, and when caught, he simply asked a physician assistant to provide him with the medication."

<https://nyti.ms/2vNEOqi> ... **The two-page Democratic summary** <https://politi.co/2Kgx5Ej>

**-- Fin Gomez (@finnygo):** "NEW: Jackson told me and small group of reporters waiting in WH press offices that he did not know where these allegations were coming from. Said he was 'Still moving ahead' on his nomination. Also said he 'did not wreck a car' after drinking at a party."

**-- BURGESS EVERETT: "Republican support for Jackson collapses":** "For Senate Republicans, the question of the day is not if, but when, President Donald Trump pulls the plug on Ronny Jackson. GOP support for the Veterans Affairs nominee has cratered in the face of allegations of misconduct as White House physician. Jackson already faced serious doubts over his lack of management experience. At this point, it would take a miraculous comeback by Jackson to survive at least two more weeks of scrutiny and growing discomfort among Republican senators over his nomination."

**"With Sen. John McCain (R-Ariz.) absent, the party controls 50 seats,** meaning that only one Republican in opposition could derail Jackson's nomination if Democrats unite in opposition to him. Any corroboration of whistleblower accusations -- from crashing a government car while drunk to abusing his power to prescribe pills -- will be enough to publicly sink the nomination. The nomination, said Sen. Jeff Flake (R-Ariz.), is 'very unlikely' to go forward. ... Asked how Jackson could be confirmed, he replied: "You tell me."

<https://politi.co/2vKpN8I>

**-- CNN'S JEFF ZELENY, JEREMY DIAMOND and KEVIN LIPTAK: "White House prepares for possible Jackson withdrawal":** "President Donald Trump is beginning to wonder aloud whether his embattled Veterans Affairs nominee should step aside 'before things get worse' and White House aides are now preparing for that possibility, White House officials told CNN. ... Jackson emerged late Wednesday from White House spokesman Raj Shah's office with press secretary Sarah Sanders, Shah and deputy press secretary Hogan Gidley. Jackson told reporters, 'Look forward to talking to you guys in the next few days.' Sanders said they were having a 'debrief' on the meetings on the Hill.

**"The President and his aides were openly discussing the possibility** that Jackson could pull his nomination, the officials said, and aides late Wednesday afternoon began preparing for a possible withdrawal -- though White House officials said the decision remains Jackson's. Trump's thinking on Jackson's nomination has been rapidly evolving. Earlier on Wednesday, he raised the prospect of going into the briefing room today to stick up for Jackson, simply to say he is a good guy and has his support. But several senior administration officials, including Sanders, advised him against doing so."

<https://cnn.it/2JraALw>

**WAP0'S** Amy Gardner, Josh Dawsey and Seung Min Kim say that Jackson is already telling people he might pull out. <https://wapo.st/2qZtUb2>

## **PRUITT'S PROBLEMS ...**

**-- WAP0'S JULIET EILPERIN, BRADY DENNIS and JOSH DAWSEY: "Scott Pruitt heads to Capitol Hill as White House probes signal his shaky status":** "On the eve of critical hearings on Capitol Hill, top White House officials are intensifying efforts to document wasteful spending by Scott Pruitt as President Trump weighs whether to keep supporting his controversial [EPA] chief, senior administration officials said Wednesday. According to the officials, White House budget director Mick Mulvaney has expanded an inquiry into the nearly \$43,000 soundproof phone booth Pruitt had installed in his office to cover other costly expenditures, including tickets on first-class flights and stays at boutique hotels.

**"And the White House Counsel's Office is examining allegations** of unethical behavior, among them Pruitt's decision to rent part of a Capitol Hill condo for \$50 a night from a lobbyist and her husband, who had business before the agency. EPA staffers are aiding both probes, the officials said, speaking on the condition of anonymity to discuss internal matters. Those investigations signal how uncertain Pruitt's status is within the White House."

<https://wapo.st/2KeF3xK>

**-- ABC'S JOHN SANTUCCI and STEPHANIE EBBS: "Scott Pruitt's prep document of 'hot topics' ready ahead of congressional hearings":** "A source with direct knowledge described a document to ABC News called 'hot topics' includes a rough draft of talking points for Pruitt as he prepares to field questions from lawmakers. Pruitt's plan ... is for the embattled agency head to say he now only flies coach when traveling compared to his costly first-class travel in the early days of his time on the job. The document also says he plans to address the high priced salary hikes for two of his closest aides that have been by his side going back to his Oklahoma days. Pruitt's intention, per the source, is to claim he had no knowledge of the raises and pass the blame onto his staff." <https://abcn.ws/2vPL5lj>

**-- EPA has also sent a research document to some Capitol Hill Republican lawmakers** to push back on the allegations leveled against the administrator in advance of Pruitt's testimony. The 23-page document covers "International Travel ... One-Bedroom Condo ... Threats Against Pruitt ... EPA's Protective Service Detail & Spending ... First Class Travel ... Pruitt's Email Accounts ... Raises to Staff & AD Hiring Authority ... Kevin Chmielewski & Senate Democrats' Letter." **The document** <http://politi.co/2FlB66Q>

## **THE INVESTIGATIONS ...**

**JOSH GERSTEIN: "Michael Cohen to plead 5th Amendment in Stormy Daniels suit":** "Michael Cohen, President Donald Trump's longtime personal attorney, indicated on Wednesday that he planned to assert his Fifth Amendment rights not to testify in connection with a pending civil lawsuit brought by a porn star that seeks to void a \$130,000 "hush money" deal Cohen allegedly cut to try to suppress her story in advance of the 2016 presidential election.

**"Cohen said in a declaration filed in U.S. District Court in Los Angeles** that he planned to stay mum in that case because of a series of raids the FBI carried out at his home, office and hotel room in New York earlier this month. Executing search warrants, the agents seized a wide array of electronic devices and paper records about Cohen's dealings."

<https://politi.co/2HNsJ9l>

**CNN'S KAITLAN COLLINS (@kaitlancollins):** "Incredibly significant line from the letter the lawyers who are representing President Trump in the Michael Cohen case filed in court today - 'Our client will make himself available, as needed, to aid in our privilege review on his behalf...' "<http://bit.ly/2JviO5v>

**-- WAPO'S BOB COSTA and CAROL LEONNIG: "Giuliani reopens negotiations about presidential interview with Mueller, but cautions special counsel that Trump remains resistant":** "Rudolph W. Giuliani, President Trump's new personal lawyer dealing with the ongoing probe into Russian interference in the 2016 election, met with special counsel Robert S. Mueller III on Tuesday to reopen negotiations for a presidential interview, - according to three people familiar with the talks.

**"Giuliani, who joined Trump's legal team last week, conveyed** the ongoing resistance of Trump and his advisers to an interview with federal investigators, but did not rule out the possibility, the people said, adding that Giuliani pressed Mueller for clarity on when the probe is expected to end.

**"In response, Mueller reiterated that he would like a chance to ask Trump** questions about steps he took during the transition and early months of his administration, the people said. The special counsel emphasized, as he did in conversations in March with Trump's team, that an interview is essential for investigators to understand Trump's intent in making key decisions as they seek to wrap up the portion of the probe focused on potential obstruction of justice." <https://wapo.st/2Jro4a8>

**-- THE WSJ** says Trump's lawyers are trying to see if Mueller has "an 'open mind' about the Russia investigation." <https://on.wsj.com/2qZoX1W>

**MAGGIE HABERMAN** got an interview with Rudy: "In an interview, Mr. Giuliani said that his goal in the coming days was to find out where Mr. Mueller stands, particularly as it relates to the credibility of James B. Comey, the F.B.I. director whom the president fired in April 2017. Mr. Comey has been interviewed by Mr. Mueller, and he has been deeply, personally critical of the president in his media tour promoting his new memoir.

**"At this stage of an investigation, it'd be highly unusual to let an ordinary** client testify,' Mr. Giuliani said. However, he added, 'This isn't an ordinary client. This is the president of the United States.' He said that they were trying to assess whether Mr. Mueller 'and his staff are truly objective,' particularly in terms of Mr. Comey. 'Obviously, if they've already made up their minds, we'd be stupid to do that.'" <https://nyti.ms/2vNjbWZ>

**POMPEO'S STATE DEPT ... "Trump to Pick Paula Dobriansky for Top State Department Job, Sources Say,"** by Bloomberg's Nick Wadhams: "The Trump administration plans to nominate Paula Dobriansky, a senior diplomatic official under President George W. Bush, to the top policy job at the State Department, according to three people familiar with the decision.

**"Dobriansky, a former special envoy for Northern Ireland** and undersecretary of state for global affairs, will replace career diplomat Thomas Shannon, who announced his retirement earlier this year ... Dobriansky [is currently] a senior fellow at the Harvard Kennedy School's Belfer Center for Science and International Affairs." <https://bloom.bg/2JrinsK>

**MULVANEY DISMANTLES ... -- "Consumer Bureau Looks to End Public View of Complaints Database,"** by NYT's Stacy Cowley: "Financial companies have worked to diminish the Consumer Financial Protection Bureau's powers since the day the agency was created. Now, they're on the brink of having one of their top demands granted: an end to the regulator's public database of complaints about their products and services. Since 2011, the bureau has maintained an open, searchable record of more than one million consumer reports about inaccurate debt collections, illegal fees, improper overdraft charges, mistakes on loans and other problems. ...

**"Mick Mulvaney, the bureau's acting director,** hinted Tuesday that he would like to end that public access. 'I don't see anything in here that says I have to run a Yelp for financial services sponsored by the federal government,' he said at a banking industry conference in Washington. ... Consumer groups argue that taking the database offline would neuter one of its core purposes: pushing companies to take complaints more seriously. The move would also prevent outsiders, including academic researchers, from using its data." <https://nyti.ms/2HuidjK>

**THE JUICE ...**

-- **ANDREW SHULT** is joining Vice President Mike Pence's communications office as digital director. He was Steve Scalise's digital coordinator, and he's an alumnus of the Oversight and Government Reform Committee.

-- **@ZackFinkNews:** "NEW: @Lis\_Smith had been hired by Cuomo 2018 and The State Democratic Party to do rapid response. Lis is a close friend of @melissadderosa".

**SUNDAY SO FAR ... NBC'S "MEET THE PRESS":** James Comey.

-- "**FOX NEWS SUNDAY**": Panel: Jason Miller, Rich Lowry and Mo Elleithee. Power Player: Kay Cole James.

**THE PRESIDENT** has one thing on his schedule today: he's delivering remarks at the Wounded Warrior Project Soldier Ride at 10:30 a.m.

**HAPPENING TODAY -- VICE PRESIDENT MIKE PENCE** is joining Indian IT company Infosys in Indianapolis at 1:15 p.m. today for a major economic development announcement. Infosys announced last May a campaign to hire 10,000 Americans over the next two years, including 2,000 in Indiana. Pence will be joined at the event by Labor Secretary **ALEX ACOSTA** and Indiana Gov. **ERIC HOLCOMB**. Ravi Kumar, president and deputy COO of Infosys, will also speak. *The IndyStar on the announcement* [https://indy.st/2HOSPIT ...](https://indy.st/2HOSPIT...)  
**Livestream** <http://bit.ly/2JvALkp>

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## THE DECIDERS

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## PLAYBOOK READS



PHOTO DU JOUR: Veterans Affairs Secretary nominee and White House doctor Ronny Johnson departs from the Capitol on April 25. | Aaron P. Bernstein/Getty Images

**HARASSMENT FILES ... "The Center For American Progress Staff Was Shocked After Neera Tanden Named The Anonymous Harassment Victim In An All-Staff Meeting,"** by BuzzFeed's Sarah Mimms: "Two days after BuzzFeed News unveiled allegations of sexual harassment and retaliation at one of the nation's top liberal think tanks, the Center for American Progress's president, Neera Tanden, met with staff to restore confidence in the organization's ability to handle the issue and ensure that employees feel safe. But during the meeting Wednesday afternoon, Tanden named the anonymous victim at the center that story -- a revelation that a CAP spokesperson said was unintentional -- and what began as a tense meeting became what three staffers in the room described as a textbook example of the organization's failures to appropriately handle sexual harassment cases.

**"There is literally one thing you cannot do in this meeting** and that is out the victim and Neera did it multiple times...It also destroys whatever small level of confidence in the system remained,' one CAP employee who was in the room said in a text to BuzzFeed News. ...

**"In a statement to BuzzFeed News, a CAP spokesperson** said that Tanden 'unintentionally said the complainant's first name in the meeting today, and immediately and profusely apologized for it.' 'She feels awful that it happened and that the victim's negative experience was compounded; she also expressed that the victim's actions in coming forward were courageous. Neera's horror was very evident in the meeting,' the spokesperson said."

<https://bzfd.it/2qZvtGS> ... **BuzzFeed's original story on harassment at CAP**

<https://bzfd.it/2HvQgMo>

\*\*\*\*\* **A message from AARP:** POLITICO's "The Deciders" series will explore who the 50-plus voter is, what motivates them, and how they are reshaping politics. The series will also include narrative and photojournalism from POLITICO Magazine in key battleground states. *Presented by AARP. Stay informed.* \*\*\*\*\*

**SPY GAMES -- "Behind a Roadside Hit in Malaysia, Israeli-Palestinian Intrigue,"** by NYT's Hannah Beech in Kuala Lumpur, Malaysia and Ronen Bergman in Lima, Peru: "Fadi al-Batsh ... always had a smile for his friends and students in the seven years since he moved to Malaysia from his native Gaza. On Saturday, as he walked outside his apartment building in suburban Kuala Lumpur, he was gunned down in a hail of at least 14 bullets by two men on a motorcycle. It was the Palestinian man's undercover job -- as what intelligence officials described as a technology expert for the military wing of the Gaza-based Hamas movement -- that had put him in the cross hairs.

**"Malaysian officials said the attackers** were 'most likely born in the Middle East or in the West' but would not directly say who they thought was behind the killing. Mr. Batsh's family blamed Mossad, the Israeli spy agency. That claim has been confirmed by Middle Eastern intelligence officials, who said the killing was part of a broader operation ordered by the Mossad chief, Yossi Cohen, to dismantle a Hamas project that sends Gaza's most promising scientists and engineers overseas to gather know-how and weaponry to fight Israel."

<https://nyti.ms/2FizdaP>

**MEDIAWATCH -- "Tina Brown wants no part of Charlie Rose's #MeToo redemption series,"** by N.Y. Post's Ian Mohr: "Disgraced CBS anchor Charlie Rose is being slated to star in a show where he'll interview other high-profile men who have also been toppled by #MeToo scandals. The move was revealed by editor, writer and women's advocate Tina Brown, who confirmed to Page Six that she was recently approached to produce a #MeToo atonement series starring Rose, who would interview others embroiled in sexual harassment scandals. ... Said a source: 'Tina said she'd just been e-mailed about co-hosting a new show with Charlie Rose, in which they'd interview Louis C.K., Matt Lauer' and others caught up in the #MeToo sexual harassment scandals. Brown explained to the group that she was having none of it, and remarked, 'These guys are already planning their comebacks!'"

<https://pge.sx/2HyfDti>

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## PLAYBOOKERS

**SPOTTED** last night at the Trump Hotel: Jason Miller and his wife Kelly, Kaelan Dorr, Boris Epshteyn, Steven Cheung, Andrew Hemming, Andrew Giuliani, and Richard Grinnell.

**SPOTTED** at the Internet Association gala last night in the Union Station's East Hall: Sen. Cory Gardner (R-Colo.), Sen. Maria Cantwell (D-Wash.), Michael Beckerman, Brian Chesky, Clark Stevens, Brian Huseman, Fred Humphries, Pablo Chavez, Niki Christoff, Susan Molinari, Erin Egan, Reps. Dave Schweikert (R-Ariz.), Debbie Dingell (D-Mich.) and Matt Gaetz (R-Fla.), Melissa Froelich, Will Dunham, Cort Bush, Narda Jones, Sam Love, Scarlet Doyle, Joey Wender, Jayme White, Matthew L. Sandgren, Crystal Tully, Robin Colwell, David Goldman, Kelley Hudak, Jeff Wieand, and Winter Casey.

**WELCOME TO THE WORLD - Eli Miller**, chief of staff at Treasury, and **Jenna Miller**, teacher at Beauvoir, the National Cathedral Elementary School, on Wednesday welcomed a baby boy, Nathaniel David Miller. "Arrived 4:20 p.m. Sibley Hospital. 7 lbs 10 oz. 20.5 inches. Brother Henry is so excited."



**TRANSITION -- Randy DeValk** is joining the Glover Park Group's government relations practice as a managing director. He served six years in the Obama administration as a counselor to the WH office of legislative affairs and as a counselor to Treasury Secretaries Tim Geithner and Jack Lew.

**REMEMBERING PETE PETERSON** - Pool report: "There was an tribute to the life of former Nixon Commerce Secretary, Blackstone founder, and national debt fighting icon Pete Peterson [Wednesday] at the Riverside Church in New York City ... Speakers included Bill Clinton, Henry Kissinger, Diane Sawyer, Leslie Gelb, and Peterson Foundation CEO Michael Peterson. Attendees included titans of industry and politics and culture including Steve Schwarzman, Paul Volcker, Hank Greenberg, Peggy Noonan, Bob Rubin, George Stephanopoulos and Ali Wentworth."

**BIRTHWEEK (was yesterday):** Alejandra Cancino, a reporter at the non-profit investigative news organization Better Government Association (hat tip: Lydia Mulvany)

**BIRTHDAY OF THE DAY: Ryan Donovan**, chief advocacy officer at the Credit Union National Association. **A fun fact about Ryan:** "When I was in high school, I was a leader of an on-line effort to keep the Internet provider, Prodigy, from charging \$.25 per email sent through their system. They eventually backed down. So, I helped keep email free." **Read his Playbook Plus Q&A:** <https://politi.co/2vM5dVc>

**BIRTHDAYS:** Melania Trump is 48 ... Larry Grisolano of AKPD Message and Media ... Luke Frans ... Suzy George, COO of the ONE Campaign (h/t Ben Chang) ... Politico's Colin Wilhelm ... Cherie Deogracias ... Karas Gross, deputy director of the House Rules Committee, is 36 ... Toby Tyler ... Domenico Montanaro ... Russell Goldman, Hong Kong-based senior editor for the NYT ... Ben Fishel, senior publicist for media relations at NPR ... John Leganski, floor director for House Majority Leader Kevin McCarthy, is 27 ... Emily Schultheis, 2017-18 Robert Bosch fellow (h/t Byron Tau) ... E&E News' Cecelia Smith-Schoenwalder ... Ebbie Yazdani is 29 ... Jared Sawyer, deputy assistant secretary for financial institutions policy at Treasury ... WSJ's Eliot Brown ... WaPo's Paulina Firozi ... Chris Curry, senior associate at Dewey Square Group ... Nicole Elkon ... Sery Kim ... Conor Gaughan is 38 ... Matt DeLuca, senior adviser at AARP ... Ben Schwerin, VP of partnerships at Snapchat (h/t brother Josh) ...

... **Shana Teehan**, comms. director for Rep. Kevin Brady (R-Texas) ... Rep. Niki Tsongas (D-Mass.) is 72 ... Rep. Rod Blum (R-Iowa) is 63 ... Michael Kalmans of Rising Tide Interactive (h/t Shelby Lipson) ... Meagan McCanna ... Joe Paolino, former Providence mayor and former U.S. ambassador to Malta ... Jay Howser, Democratic media consultant at Shorr Johnson Magnus, is 41. He's celebrating with a quick trip to Miami (h/t Thad Inge) ... Jessica Schneider, Justice correspondent for CNN (h/t Mitchell Rivard) ... Beth Gage ... Tricia Coates

(h/ts Jon Haber) ... Graham Rotenberg, analyst at Hamilton Place Strategies and proud Toronto native (h/t Savannah Haeger) ... Nick Penniman, founder and CEO of Issue One ... George Wenschhof ... Justin M. Bibb ... Jackson Richman of IJR ... DCCC alum Alex Morgan ... Kayla Bakshi ... Lisa Hanna ... Kristi Stone Hamrick ... Renee Korgood (h/t Jonathan Goldman) ... Seth Amgott ... Melissa Neal ... Jon Rice ... Bret Mills ... Mare Chapman ... John Adashek (h/ts Teresa Vilmain) ... Aixin Wang

\*\*\*\*\* **A message from AARP:** In partnership with AARP, POLITICO's "The Deciders" series will integrate original polling, data analysis, and cutting-edge data visualization tools, to provide important insights about the 50+ voter. The series will also include narrative and photojournalism from POLITICO Magazine in key battleground states. [Learn more.](#) \*\*\*\*\*

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**To:** AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]  
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**Acting Administrator Wheeler**

[Climate Wire - Wheeler Talks About Risks, but Critics Say He's Ignoring Them](#)

[Politico - Wheeler to testify before senate environment committee Aug. 1](#)

**Administrator Pruitt**

[Politico - EPA staff worried about toxic chemical exposure — for Pruitt](#)

[Washington Post - EPA career officials raised concerns about price tag for Pruitt's 2017 Italy trip](#)

**Air Pollution**

[E&E - Texas pounces as EPA finds San Antonio in ozone nonattainment](#)

**Animal Testing**

[The Daily Caller - Scoop: Lawmakers demand info on 'horrific and inhumane animal testing at EPA](#)

**Budget**

[Politico - White House criticizes interior-EPA funding but stops short of veto threat](#)

[Politico - House clears interior-Environment minibus loaded with policy rides](#)

[Washington Examiner: House ignores Trump's push to slash EPA spending](#)

**Coal Ash**

[ABC News - EPA Give States More Flexibility to Regulate Sites Storing Toxic Coal Ash](#)

[NBC News: Trump's EPA rolls back Obama-era coal ash regulations](#)

[The Philadelphia Tribune - EPA Rolls Back Obama-era Coal Ash Regulations](#)

[Power - EPA Finalizes First Set of Coal Ash Rule Revisions](#)

**Glider Truck Court Decision**

[Popular Science - 'Glider Trucks' are Pollution Machines, but They Might Roll Past EPA Regulations](#)

[Reuters: U.S. court blocks EPA decision not to enforce 'glider truck' limits](#)

## **Flint Water**

ABC News - EPA inspector general points some blame for Flint water crisis response

## **Science Transparency**

Chemical Watch - Groups Unite Against US EPA 'Science Transparency' Proposal

## **Overview Articles**

The Hill: Overnight Energy: Watchdog opens investigation into Interior chief | Judge halts Pruitt truck pollution rule decision | Winners, losers in EPA, Interior spending bill amendments

## **Acting Administrator Wheeler**

### **Climate Wire**

Wheeler Talks About Risks, but Critics Say He's Ignoring Them

<https://www.eenews.net/climatewire/stories/1060089577>

Posted: July 19<sup>th</sup>, 2018 By: Niina Heikkinen

Andrew Wheeler says he wants to improve how EPA communicates risk, but critics contend the agency's actions are sending the opposite message to the public.

EPA's new acting administrator told staff last week his "most important" goal is to better explain potential threats to human health.

Opponents of the Trump EPA say Wheeler's public commitment contrasts to agency actions taken by ex-EPA Administrator Scott Pruitt in recent months. That includes Pruitt's proposal to change how the agency develops rules to regulate pollutants, which critics argue would undermine assessments of public health risks. They say the agency is also using its authority to take more limited action to restrict harmful pollutants like toxic chemicals.

"I think there is something mildly ironic about his singling out risk communication, when he has just finished his tenure working for a principal in Scott Pruitt, who has all but rebranded EPA as an agency hostile to science," said Joseph Goffman, a former top official in the Obama EPA who's now executive director of Harvard Law School's Environmental Law Program.

"It's a classic bait-and-switch move for an administration that is hell-bent and determined never to impose an obligation on industry to ever do anything on pollution," he added.

Wheeler comes into EPA as acting administrator after months of turmoil, where the agency's work was often overshadowed by news reports of exorbitant spending and ethical missteps from the former administrator.

Wheeler's emphasis on improving risk communication after major events is seen by some agency observers as a public relations effort to help restore trust in the agency.

At the same time, the temporary head of the agency is tasked with advancing Pruitt's plans to shift which research can go into rulemaking, and alter how the costs of imposing rules are weighed against their environmental and public health benefits. Those changes are deeply unpopular with scientific, public health and environmental groups, whose leaders accuse EPA of undermining public health and environmental benefits of curtailing various pollutants, including greenhouse gases.

In April, Pruitt put out a draft proposal to require studies to make their methods and data publicly available if they were to be included in drafting new regulations. "The aim of Pruitt's proposal is to mislead the public about the

risks they face by censoring the science that would show the risks they face from chemicals in the environment," said Natural Resources Defense Council attorney John Walke.

The policy could affect the EPA rewrite of President Obama's Clean Power Plan. In a proposed repeal of the rule, EPA said that the previous administration had justified writing the rule limiting greenhouse gas emissions from power plants by pointing to the health benefits of reductions in other pollutants as additional or a co-benefit of the rule. The proposed repeal also suggested using a higher threshold for when to consider particulate matter harmful to human health (Climatewire, March 26).

Also in April, Pruitt submitted a separate proposal to change how the agency considers the costs compared with the benefits of putting in place rules to regulate pollutants. This second proposal complements what some Republicans refer to as the "secret science rule" to overhaul science in rulemaking. Instead of preventing science from being included in studies, revising cost-benefit analyses can say it isn't valid to put a dollar value on the "co-benefits" of reducing pollutants like fine particles that are not the direct focus of the regulation, according to Walke.

Asked about the criticisms leveled against the Trump EPA, an agency spokesman reiterated Wheeler's intent to put greater focus on public health.

"As Acting Administrator Wheeler has made clear, Americans deserve to understand environmental and hazardous risks to their communities. EPA must do its due diligence in making sure the public has all the facts to avoid any potential dangers," press secretary James Hewitt said in an emailed statement.

EPA isn't just looking at ways to revise how it develops rules, it is also limiting the way it uses the regulations it already has to control pollutants. Environmental groups point specifically to the way EPA has undercut Congress' 2016 amendments to the Toxic Substances Control Act, a bill that at the time passed with strong bipartisan support. The purpose of the updated rule was to broaden the way the federal government evaluated the risk of harm from chemical exposure, from focusing on exposure in an isolated environment like the workplace, to an approach that looked at cumulative exposure risk throughout daily life. EPA was also supposed to pay attention not just to how these chemicals would affect the general public, but also the effects on especially vulnerable populations, like workers who manufacture chemicals or individuals who live in areas where they are subject to much higher than average levels of chemical exposure.

"The industry was concerned about EPA doing these robust assessments because the more exposures you consider, the more likely it will not be safe and some level of regulation would be needed," said Richard Denison, a lead senior scientist at the Environmental Defense Fund.

Since the beginning of the Trump administration, the agency has failed to embrace this reformed approach and taken steps to limit its own authority to regulate the first chemicals it had begun to consider under TSCA, according to Denison.

"EPA has — in almost every action it has taken — has narrowed the risks it will look at," he said.

It has also stalled action to limit the use of chemicals the agency had previously deemed harmful. One example is control of trichloroethylene, or TCE, a known carcinogen that is highly neurotoxic and can cause harm to developing fetuses and infants, said Denison.

Several years ago, the agency had proposed a ban for two aerosolized uses of the chemical, as a spot cleaner in dry cleaning and as a degreasing agent. Under the Trump administration, the proposed bans have stalled, and EPA has stated it will redo the analysis of TCE. "We are probably set back by five years or more by EPA," said Denison.

In addition to these regulatory changes, EPA also set new rules for who could participate on its science advisory boards, preventing individuals receiving EPA grants from participating, Goffman said.

"With that legacy — which directly undermines the agency's credibility — it's hard to see how he [Wheeler] would see the agency would be positioned in the public's mind as a credible source of information about public health risk," he said.

Goffman suggested Wheeler's latest announcement was an effort to distance himself from Pruitt.

"But if that's the case, then this is a glaring example of the soft bigotry of low expectations," Goffman said. He added that the George W. Bush administration took a similar tack by publicizing its commitment to enforcement, "as if that alleviated their obligation to expand public health protection through regulation." "It's as if risk communication is elevated, as if it's an adequate substitute for expanding public health protections," he said.

Walke said there is still a question of how Wheeler could reconcile "honest risk communication" with EPA's regulatory reforms. He also noted one way Wheeler had already failed to accurately communicate risk — in talking about climate change.

"Wheeler's startling refusal to identify human activities as the dominant cause of climate change, contrary to the National Climate Assessment, is an alarming failure to communicate climate risks accurately and honestly with the public," said Walke.

### **Politico**

Wheeler to testify before senate environment committee Aug. 1

<https://subscriber.politicopro.com/energy>

Posted: July 19, 2018 at 10:21am By: Alex Guillen

Acting EPA Administrator Andrew Wheeler will testify before the Senate Environment and Public Works Committee on Aug. 1, Chairman John Barrasso (R-Wyo.) announced today.

"He told me that our committee was first on his list," Barrasso said before the start of a nominations hearing. "I'm Tom Carper, and I approve this message," quipped ranking member Tom Carper (D-Del.), who had long pressed for Pruitt to testify again.

Former Administrator Scott Pruitt was slated to appear before the committee sometime in August before he resigned earlier this month. Barrasso said the timing was worked out to allow for at least some probes into Pruitt by EPA's inspector general to wrap up first. It is not clear whether any IG reports on Pruitt will be out before Wheeler appears before the committee.

WHAT'S NEXT: Wheeler will testify before the Senate Environment and Public Works Committee on Aug. 1.

### **Administrator Pruitt**

#### **Politico**

EPA staff worried about toxic chemical exposure — for Pruitt

<https://www.politico.com/story/2018/07/19/scott-pruitt-formaldehyde-epa-698084>

Posted: July 19<sup>th</sup>, 2018 @ 1:37pm By: Annie Snider

EPA Administrator Scott Pruitt's staff sought to protect him from exposure to toxic formaldehyde from an office desk last year, emails show — just months before his top political aides blocked the release of a report on health dangers from the same chemical.

In the spring of 2017, as Pruitt was finishing the more than \$9,500 redecoration of his office, a top career official in the administrator's office noticed a California warning that one of the ornate desks their boss wanted contained formaldehyde, which the state classifies as a carcinogen. It's unclear whether Pruitt ultimately ordered that desk as part of the renovation — which included artwork from the Smithsonian, framed photographs of Pruitt and President Donald Trump and a standing "captain's" desk — but the documents show that his staff took steps to protect Pruitt from exposure to the chemical.

After seeing the warning, acting deputy chief of staff Reginald Allen reached out to Wendy Cleland-Hamnett, the career official then serving as acting head of EPA's toxic chemicals office, according to emails released to the group American Oversight under the Freedom of Information Act and shared with POLITICO.

"Sorry to bother you with this but we need some help. The desk the Administrator wants for his office from Amazon has a California Proposition 65 warning. What I am asking is can someone in your area tell us whether it is OK to get this desk for the Administrator related to the warning?" Allen wrote April 7 to Cleland-Hamnett and another career official in the office, referring to a California state chemicals law.

Cleland-Hamnett replied explaining that the desk was likely made of compressed wood in which formaldehyde is frequently used as a glue. Although an EPA regulation limiting formaldehyde emissions from such products had been put on hold by the Trump administration, the state of California regulates formaldehyde in such products, meaning the air emissions from the desk were "likely to be fine," Cleland-Hamnett wrote.

However, she suggested letting the desk sit somewhere other than the administrator's office to air out for a few days. Administrative personnel appeared to make plans to have the desk assembled at a warehouse and left there for a week, when the highest concentrations of formaldehyde are usually emitted.

The email exchange about the desk last spring took place just months before top aides to Pruitt took steps to block a health assessment produced by another division within the agency that found the levels of formaldehyde that many Americans breathe in daily are linked with leukemia, nose-and-throat cancer and other ailments. The chemicals industry has fought the assessment, which could prompt federal and state regulators to issue new restrictions on the chemical, and could lead to class-action lawsuits.

POLITICO reported last month that Pruitt aides, including chief of staff Ryan Jackson and Richard Yamada, a top official in the agency's Office of Research and Development, blocked the report from going through necessary internal review steps, effectively preventing it from being made public.

Austin Evers, executive director of American Oversight, the watchdog group that obtained the emails, said the emails fit into the pattern of perk-seeking that led to Pruitt's downfall.

"You can add 'EPA chemical safety science' to the list of taxpayer funded benefits that Scott Pruitt kept for himself. The irony would be comical if this wasn't so dangerous. Months before Scott Pruitt blocked the EPA's report on the dangers of formaldehyde to public health, he got the benefit of EPA's safety experts looking out for his own health," Evers said in a statement.

Cleland-Hamnett retired last year. Allen, who had objected to other spending and travel by Pruitt, was reassigned to a job outside the agency this spring, E&E News reported at the time.

### **Washington Post**

EPA career officials raised concerns about price tag for Pruitt's 2017 Italy trip

[https://www.washingtonpost.com/national/health-science/epa-career-officials-raised-concerns-about-price-tag-for-pruitts-2017-italy-trip/2018/07/18/05d00718-8924-11e8-8aca-86e88ae760d8\\_story.html?utm\\_term=.4427c5ff48be](https://www.washingtonpost.com/national/health-science/epa-career-officials-raised-concerns-about-price-tag-for-pruitts-2017-italy-trip/2018/07/18/05d00718-8924-11e8-8aca-86e88ae760d8_story.html?utm_term=.4427c5ff48be)

Posted: July 19<sup>th</sup>, 2018 @ 7:00am By: Juliet Eiperin and Brady Dennis

Career officials at the Environmental Protection Agency raised concerns about then-Administrator Scott Pruitt's move to book an expensive plane ticket to Italy and the involvement of non-U.S. officials in planning his trip, according to documents obtained by The Washington Post.

Hundreds of pages of new emails the EPA provided in recent weeks to the House Oversight and Government Reform Committee shed new light on the extent to which Pruitt's personal preferences drove travel planning and created friction within the agency before he resigned earlier this month.

The committee's probe is one of numerous investigations into Pruitt's ethical and management decisions that have continued even after his departure.

Committee spokeswoman Amanda Thompson declined to comment on the new documents, writing in an email, "The Committee will wait until the conclusion of our investigation to release or comment on our findings."

The former administrator's Italy trip, which cost taxpayers at least \$120,000, has attracted scrutiny because of its high price tag. The then-administrator spent just 24 hours on the ground in Bologna attending a summit of Group of Seven environment ministers, which was the stated purpose of the trip.

Emails from April 2017 chart how Pruitt and his wife, Marlyn, requested that aides book business-class tickets out of New York City to Rome on Delta Air Lines — Pruitt's preferred carrier. In response, EPA travel coordinator Gail Davis questioned Pruitt's need to sit in business class and travel out of New York City.

EPA officials initially explored whether Marlyn Pruitt could attend the trip as a member of the U.S. delegation to the G-7, according to three current and former agency staffers. In that case, the federal government would have covered her costs. But that option did not materialize, and she did not make the trip.

Davis, citing federal rules on when officials can travel in business class, wrote to then-deputy director for scheduling and advance Millan Hupp, "I cannot upgrade unless the flight is over [14] hours and no rest stop."

Three days later, Davis informed Hupp, a political appointee, that if Pruitt went ahead and departed from New York but flew on American Airlines, the official government carrier, it would be much less expensive.

Davis used bold lettering to underscore the point that flying Delta out of John F. Kennedy Airport would cost about \$3,000 more than flying American out of Washington.

"The Delta flight is a noncontract carrier and is (\$4,690.96 coach class fare)," Davis wrote, adding that "there will of course need to be a justification for the \$3,000 difference" and why the administrator would not leave from his "duty station."

According to two individuals familiar with the matter, who spoke on the condition of anonymity to discuss internal agency deliberations, Pruitt wanted to depart from New York to travel on a nonstop Delta flight to Rome.

By the time Pruitt left for Italy in early June, the head of his protective detail had drafted a memo saying that he needed to fly in business or first class as a security precaution. As a result, Pruitt's round-trip ticket to Italy cost \$7,003.52. That price tag does not include the \$36,068.50 military flight Pruitt took from Cincinnati to JFK after



attending an infrastructure event with President Trump right before his overseas trip. The military jet was approved at the time by ethics officials.

According to the new documents, a week before his departure, Pruitt's security officials mapped out a much cheaper Delta itinerary from Cincinnati to Rome with a connection in Paris. The former administrator did not opt for that route.

Pruitt could not be reached for comment Wednesday, and the EPA declined to respond to a request for comment on the matter.

The new documents also highlight the integral role Leonard Leo played in orchestrating the Rome portion of Pruitt's trip. Leo served as executive vice president of the conservative Federalist Society until taking a temporary leave to advise Trump on Supreme Court nominations.

EPA staffers traded schedules with Leo's aide, Maria Marshall, coordinating when the two men would be together. Numerous events on draft itineraries, including private Vatican tours and unannounced dining meetings, were labeled "arranged by Leonard Leo." Among them: a private tour of the Vatican Library and the Scavi, a private mass, and multiple private meals at upscale restaurants.

None of the private tours and meals that Pruitt attended during his time in Rome were disclosed at the time by the EPA. References to Leo's involvement were not included in the official calendar documents that the EPA later produced in response to Freedom of Information Act requests.

In one instance in late May 2017, a representative at the U.S. Embassy in Rome wrote to EPA staffers: "Can someone reach out to Mr. Leo's staff and get contact information? [Regional security officer] needs more details about the entrances we'll use."

Soon after, EPA Office of Regional and Bilateral Affairs Director Mark Kasman wrote to Hupp: "Millan, can you connect Mr. Leo's staff to the Regional Security Officer in Rome to avoid any mishaps?"

In another instance, Marshall consulted with Hupp on the movements of Pruitt and his top aides, adding, "Can you please confirm the names of everyone attending the lunches, tours and dinners?"

"I will get you the attendee list for each event asap," Hupp replied.

At one point, Pruitt's appointees removed a career official from an email chain to make it clear they would "make significant changes" to the itineraries created by the career staff, as well as for a visit to Israel — a trip that later was canceled.

And on at least one occasion, Kasman insisted that U.S. officials be made aware of Pruitt's gatherings with Leo in Rome — meetings to which Kasman and Jane Nishida, the head of the EPA's Office of International and Tribal Affairs, were not invited.

"Leonard Leo's assistant just sent this over," Kevin Chmielewski, then the EPA's deputy chief of staff for operations, wrote Kasman on May 11, the documents show. He attached an email from Leo's assistant, in which

she said she had “combined the two schedules” for Pruitt and Leo into a single document. “Your events are in red, mine are in black and questions are bold. Please advise.”

Kasman replied to Chmielewski, asking whether a certain private lunch involving Pruitt and Leo was still on. “If so,” he wrote, “we need to let the Embassy know.”

The events Leo arranged for Pruitt squeezed out official ones that U.S. Embassy staff had set up for the trip, including one with a group dedicated to removing Rome’s graffiti as well one focused on sustainable packaging.

“I know this is a blow for the Embassy team,” Kasman wrote in a May 31 email to U.S. Embassy staff, informing the group that Pruitt had opted to do a roundtable event with American business leaders instead of attending the sustainable packaging event. “Please let me know if there is anything Jane [Nishida] and I can do to help with damage control.”

## **Air Pollution**

### **E&E News**

Texas pounces as EPA finds San Antonio in ozone nonattainment

<https://www.eenews.net/cenewspm/2018/07/18/stories/1060089539>

Posted: July 18, 2018 By: Amanda Reilly

EPA today announced a final decision to find the San Antonio area out of compliance with the 2015 ozone standard, prompting swift criticism from an unlikely source: the state of Texas.

The agency said that Bexar County, where the Texas city is located, is in marginal nonattainment with the national limit of 70 parts per billion.

While marginal nonattainment is the least serious level of noncompliance, the classification means the area will be subject to Clean Air Act permitting requirements. Under the law, the area is required to attain the standard within three years.

"We look forward to supporting Texas as they work to improve air quality and foster economic opportunity," acting EPA Administrator Andrew Wheeler said in a statement.

He added: "Information provided by the state indicates that the San Antonio area is on the path toward attainment, and we expect Bexar County will be able to demonstrate that it meets the standard well in advance of the attainment date in 2021."

Wheeler signed the final rule yesterday. It will be published in the Federal Register in the near future, which will start a 60-day clock for it to become effective.

A key component of smoggy air, ozone is formed when nitrogen oxides and volatile organic compounds react in the presence of sunlight. In 2015, the Obama administration tightened the standard from 75 ppb to 70 ppb.

Under the law, EPA had until October 2017 to name areas of the country that don't comply with the Obama-era limit. After the agency missed the cutoff, a federal district court in California set a July 2017 deadline for EPA to finish its work.

The San Antonio decision, which is part of the last of three rounds of designations, has been particularly contentious (Greenwire, April 6, 2015).

Texas officials last September abruptly switched their recommendation for Bexar County from "nonattainment" to "unclassifiable/attainment."

Republican Texas Gov. Greg Abbott had pushed EPA to give the booming growth hub some slack and allow the area to meet the 70-ppb limit "without federal intervention" (Greenwire, May 18).

The Texas Council on Environmental Quality today slammed the decision to name the area in nonattainment, saying that it could have "a negative impact on economic growth and citizens in Bexar County for decades to come."

"The EPA had the discretion to support Governor Abbott's recommendation, but chose to designate Bexar County as nonattainment," TCEQ said in a statement. "The EPA's blatant disregard for Cooperative Federalism in not supporting Governor Abbott's recommendation shows the disconnect between states and Washington D.C."

Local air quality monitors, however, show ozone measurements above the 70-ppb thresholds, according to the final rule released today.

In his statement, Wheeler said the pending closure of a coal-fired power plant and analysis about the role of international emissions would "help ensure that implementation of this standard has minimal burdens on economic development."

EPA named seven other Texas counties in compliance with the standard. They are: Atascosa, Bandera, Comal, Guadalupe, Kendall, Medina and Wilson counties.

Janice Nolen, national assistant vice president for policy at the American Lung Association, said that she was encouraged with the decision on Bexar County but that the agency should have included all eight Texas counties.

"We had urged EPA to include them all because of the commuting patterns and other things that contribute to pollution in Bexar County," she said. "Just having Bexar County only greatly narrows the area that should be part of the planning approach to meeting the standard."

"It really means," she added, "that Bexar County has a lot to shoulder in terms of cleaning up sources that are local without having the ability to address them effectively with these other counties in the metropolitan area."

The American Lung Association was among the groups that filed suit over EPA's delay in issuing the ozone designations.

## **Animal Testing**

## **The Daily Caller**

Scoop: Lawmakers demand info on 'horrific and inhumane animal testing at EPA

<http://dailycaller.com/2018/07/19/animal-testing-epa/>

Posted: July 19,2018 at 1:10pm By: Michael Bastasch

A bipartisan group of lawmakers want the Environmental Protection Agency (EPA) to hand over information on animal testing at the agency's North Carolina-based laboratory.

Six lawmakers — three Republicans and three Democrats — sent a letter to the EPA on Thursday, demanding information on the cost and extent of agency-run animal tests, including costs and how many animals are used.

Animal testing at EPA's National Health and Environmental Effects Research Laboratory (NHEERL) "likely costs taxpayers millions of dollars each year, and their relevance to humans, as EPA has often acknowledged, is dubious at best," lawmakers led by Florida Republican Rep. Matt Gaetz wrote to EPA Acting Administrator Andrew Wheeler.

"Details about many of these projects are scarce, thus, we are very interested in learning more about the EPA's current in-house animal testing," reads the letter, a copy of which was obtained by The Daily Caller News Foundation.

Lawmakers' letter comes in the wake of a DCNF report that EPA's animal testing facility used about 20,000 animals a year, including rodents, rabbits and fish. That estimate is based on figures reviewed by the group White Coat Waste Project, which opposes taxpayer funding for animal testing.

"EPA's wasteful spending on misleading and bizarre animal testing is out of control," Gaetz said in an emailed statement to TheDCNF.

The EPA published the results of at least 20 animal exposure studies in the past two years, many of which exposed lab rats to high concentrations of air pollutants the agency claims can be deadly to humans. (RELATED: The Battle To Repeal An Obama-Era Regulation On Trucks Heats Up)

"The American people's tax dollars should not be spent on torturing animals: forcing them to eat lard, electro-shocking them, and pumping truck exhaust into their noses," Gaetz said.

"This is horrific and inhumane. Cost-effective and cruelty-free alternatives to these tests exist, and I hope the EPA will prioritize these alternatives in the future," he added.

Animal testing has brought about scientific and medical advances. For example, vaccines for polio and other diseases were developed with animal testing, according to the American Association for Laboratory Animal Science.

However, critics have pointed out that testing air pollution is problematic, in particularly with rats. For example, researchers have to force air pollutants down the throats of rats since they can change their breathing patterns to keep particulates and other substances out.

The Trump administration's 2019 budget proposal calls for slashing NHEERL's funding from \$115 million to \$71 million, and House lawmakers are pushing an EPA appropriations bill that targets animal testing at the agency.

EPA released a draft policy in March to promote alternative testing methods to reduce the use of animals in scientific studies as part of chemical safety legislation passed in 2016. Gaetz and White Coast Waste, however, want to go further and zero-out federal funding for animal testing.

“A supermajority of American taxpayers on both sides of the aisle oppose EPA’s expensive, irrelevant and outdated animal testing and we applaud Congressman Gaetz and his colleagues for their bipartisan action to reduce this waste and abuse and promote real science that protects taxpayers, animals, and the environment,” Justin Goodman, White Coast Waste’s vice president of advocacy and public policy, told TheDCNF.

## **Budget**

### **Politico**

White House criticizes interior-EPA funding but stops short of veto threat

<https://subscriber.politicopro.com/energy>

Posted: July 18, 2018 at 3:46pm at Annie Snider

The president's advisers said they "appreciate" the timeliness of the funding measure for EPA, the Interior Department and other agencies being considered by the House this week, but called out a number of areas of disagreement with the measure in a statement this afternoon.

In its Statement of Administration Policy for H.R. 6147 (115) the White House stopped short of a veto threat, but expressed frustration with funding the measure would offer for programs slated for reductions or elimination in the president's budget. The Interior-EPA portion of the "minibus" measure, alone, offers roughly 25 percent more to the agencies than the Trump administration's budget blueprint did.

The White House advisers praised the inclusion of funding for water infrastructure through EPA's state revolving funds and Water Infrastructure Finance and Innovation Act credit program, and welcomed the measure's funding for energy development, National Park Service maintenance and wildfire response. But they raised concerns about funding for Interior land acquisition programs and EPA watershed programs. They also criticized EPA funding for grants to states, called categorical grants, which are broadly popular in Congress.

"Reductions to these grants would reduce Federal funding for State activities that go beyond statutory mandates, and would encourage a rebalancing of environmental program funding between Federal and State resources," the statement says.

The White House said the administration "looks forward to working with the Congress" as the appropriations process moves forward.

WHAT'S NEXT: The House is expected to vote on final passage of the funding measure Thursday

### **Politico**

House clears interior-Environment minibuss loaded with policy rides

<https://subscriber.politicopro.com/energy/whiteboard>

Posted: July 19, 2018 at 11:13am

Lawmakers today passed their second minibuss spending package H.R. 6147 (115) complete with its fiscal 2019 Interior-Environment title.

The vote was 217 to 199, with 15 Republicans voting against the package, which also had Financial Services and General Government titles.

Passage comes after the chamber spent the better part of two days adding policy riders to the package that would block implementation of the Obama-era EPA methane rule, restrict certain Endangered Species Act listings and block the use of the social cost of carbon in federal rulemakings, among others.

The House's approach is markedly different than the Senate where lawmakers have refused so far to attach controversial policy riders that have tripped up spending bill negotiations previously.

### **Washington Examiner**

House ignores Trump's push to slash EPA spending

<https://www.washingtonexaminer.com/policy/energy/house-ignores-trumps-push-to-slash-epa-spending>

Posted: July 19<sup>th</sup>, 2018 @ 2:00pm

The House passed a portion of its fiscal 2019 spending bills on Thursday in a bill that gave the Environmental Protection Agency a slight haircut and ignored the White House's demands for deeper cuts.

The spending bill passed the House floor in a party-line vote of 217-199. The EPA and Interior Department funding portions came in at \$35.3 billion combined.

EPA's \$7.96 billion in funding is just \$100 million below 2018 levels. Nevertheless, it is over \$2 billion more than Trump had requested.

The Interior Department would get \$13 billion, about the same as in the current year.

The White House said Wednesday in a formal statement of administration policy that it thought the spending cuts were too low. Trump wanted EPA's budget cut by \$2.2 billion. The House bill also didn't follow the White House budget in keeping the Interior Department over \$2 billion higher than what was requested.

Despite keeping the Interior and environment spending relatively intact, the House bill was not short on riders in support of Trump's deregulation agenda.

"The bill also makes strides to rein in harmful regulations at the Environmental Protection Agency," the summary read. One of the principal targets is EPA's Waters of the U.S. rule, which expanded the agency's authority to regulate rivers and streams. Critics charged that the Obama-era rule would put every ditch, culvert and puddle under EPA jurisdiction.

The bill provides funding for the repeal of WOTUS.

### **Coal Ash**

#### **ABC News**

EPA Give States More Flexibility to Regulate Sites Storing Toxic Coal Ash

<https://abcnews.go.com/Politics/epa-states-flexibility-regulate-sites-storing-toxic-coal/story?id=56664973>

Posted: July 18<sup>th</sup>, 2018 @ 5:44pm By: Stephanie Ebbs

The Environmental Protection Agency has changed a rule requiring cleanup of ponds holding coal mining waste to give states more flexibility and postpone the deadline to close facilities that have contaminated the surrounding groundwater.

The decision changes a 2015 Obama administration rule about ponds and landfills that store coal ash, a byproduct of burning coal that contains heavy metals like arsenic, mercury, and cadmium. Coal ash is stored in ponds at sites around the country and testing at hundreds of those sites have shown that those toxic substances have spread from the holding pond into the groundwater.

There are hundreds of active coal ash sites across the country that handle more than 100 million tons of ash every year, according to the EPA. As much as 95 percent of the sites have contaminated groundwater with levels of the metals higher than is considered safe, according to the Environmental Integrity Project.

The EPA says the changes will let states address coal ash contamination on a case-by-case basis, but environmental groups say the change will weaken protections.

The changes finalized Tuesday would also allow state officials to suspend groundwater testing if they can show contaminants won't migrate away from coal ash sites and could give them the ability to certify if a facility meets standards without a technical expert.

"These amendments provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Acting EPA Administrator Andrew Wheeler said in a statement. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

The 2015 rule was prompted by a catastrophic coal ash spill in Kingston, Tennessee in 2008 that released enough coal ash to cover 300 acres and destroyed dozens of homes in the area.

Environmental groups said the change would allow states to weaken cleanup standards for coal ash sites and force communities near contaminated sites to wait even longer for them to be shut down.

"This indefensible gutting of our nation's first-ever coal ash pollution control rule cements the shameful environmental legacy of the Trump administration," Lisa Hallowell, an attorney with the Environmental Integrity Project, said in a statement. "Today's action opens the door for weakened monitoring and cleanup standards, which means -- in no uncertain terms -- that the public and the environment on which we all depend will be in harm's way."

Hallowell told ABC News there have been hundreds of cases of pollution in recent years and that monitoring data shows coal ash sites are still a big problem that needs strong or even more regulations.

"The dangers of coal ash pollution from coal ash disposal sites, what we know about it is only increasing and if anything EPA should be taking steps to make this rule stronger and should certainly not be rolling back this rule and its protections," she told ABC News.

Keith Johnston, an attorney for the Southern Environmental Law Project in Alabama, said the communities he works with at the state have a real problem with industrial waste being left in unlined pits near their water.

"It boils down to this, the state and the federal government are finding ways that these coal ash operators and utilities can just leave the coal ash where it is, in these unlined pits next to our major waters," Johnston said.

Johnston said Alabama has already applied for more flexibility for its coal ash permitting program and that bodies of water in the state are going to suffer from the lack of federal oversight.

Hallowell said changes like delaying the requirement to close coal ash sites where there is too much contamination are unnecessary because the rule is years old, and that its "another year and half that people have to worry about their health."

The EPA also said in March that it would grant permits for states to run their own programs to handle contamination from coal ash sites. Oklahoma received the first permit last month.

The changes announced this week are the first phase of changes to the coal ash rule. The EPA is still considering further changes to the rule.

Some environmental groups like the Sierra Club said they will look for ways to block changes to the rule.

"Our work will not be completed until every coal ash pit is properly secured and every local resident has access to an online monitor that confirms it," Dalal Aboulhosn, Sierra Club's deputy legislative director for land and water said in a statement.

### **NBC News**

Trump's EPA rolls back Obama-era coal ash regulations

<https://www.nbcnews.com/news/us-news/trump-s-epa-rolls-back-obama-era-coal-ash-regulations-n892586>

Posted: July 18<sup>th</sup>, 2018 @ 7:35pm (updated July 18<sup>th</sup>, 2018 @ 7:40pm) By: Dennis Romero and Associated Press

The Trump administration announced Wednesday that it is relaxing rules for the disposal of spent coal used to fuel hundreds of power plants nationwide.

But environmental groups say the rollback of coal ash storage regulations established by the Obama administration in 2015 could affect drinking water near dozens of sites.

Dalal Aboulhosn, Sierra Club's deputy legislative director for land and water, said legal action was being considered. "We are poring through the rule change see what our next steps might be," she said.

The coal industry petitioned the Trump administration for the roll back, announced by Environmental Protection Agency Acting Administrator Andrew Wheeler — a former lobbyist for the coal industry.

"It's not like EPA has granted us free pass here," said James Roewer, executive director of the Utility Solid Waste Advisory Group, an industry organization that had pushed for the changes. "It just gives us additional time to operate those facilities and better synch them up" with the upcoming wastewater guidelines.

The EPA states that the relaxed rules will save affected utility companies \$28 to \$31 million a year in regulatory costs.

"These amendments provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Wheeler said in a statement. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."



The EPA extended the time by 18 months that the industry can use unlined coal ash ponds and groundwater-adjacent sites for dumping. The Obama administration sought to phase out those sites by April 2019.

The unlined ponds are considered by environmentalists to be the worst offenders for polluting groundwater that sometimes is tapped for drinking.

"The Trump administration is turning a blind eye to damage done to our drinking water," said Lisa Evans, senior counsel for environmental group Earthjustice. "This is aimed at saving industry money instead of protecting the public."

Testing standards for the amount of lead, cobalt, lithium and molybdenum in adjacent waters were also weakened under the rule change.

Coal ash is often doused with water for quick cooling and dumping, but the sludge is highly toxic and can seep into aquifers. It can include arsenic, lead, mercury and chromium, experts say.

The EPA states there are 663 active ponds serving 321 plants and 286 active coal landfills serving 204 power plants. There are 111 additional "inactive ponds" that no longer accept waste.

About a half dozen of the ponds are Superfunds sites, Evans said; several others are equivalently polluted but are permitted because they're in active use. The states most affected by the regulation change include Texas, Michigan, Ohio, West Virginia, Tennessee, Illinois, Kentucky, Indiana and New Mexico, she said.

The roll back marks the first major policy initiative by Wheeler, who has temporarily replaced Scott Pruitt following the latter's July 5 resignation over his lavish spending.

The original, Obama-era coal ash regulations, adopted in 2015, came in response to a massive 2008 coal ash spill in Kingston, Tennessee. A containment dike burst at a Tennessee Valley Authority power plant and released 5.4 million cubic yards of ash. The accident dumped waste into two nearby rivers, destroyed homes and brought national attention to the issue.

### **The Philadelphia Tribune**

EPA Rolls Back Obama-era Coal Ash Regulations

[http://www.phillytrib.com/news/epa-rolls-back-obama-era-coal-ash-regulations/article\\_d6a5ece6-8b3f-11e8-bb85-b39364b4a985.html](http://www.phillytrib.com/news/epa-rolls-back-obama-era-coal-ash-regulations/article_d6a5ece6-8b3f-11e8-bb85-b39364b4a985.html)

Posted: July 19<sup>th</sup>, 2018 By: Nadia Kounang

As one of his first major acts as acting director of the US Environmental Protection Agency, Andrew Wheeler signed and finalized new standards overseeing coal ash, the leftover waste created by power plants that burn coal. The new rules are a revision of 2015 regulations that were put into place by the Obama administration after two significant industrial coal ash spills.

Signed into rules on Wednesday, the new regulations put more authority back in the hands of industry and states to regulate their own waste. For example, states can tailor disposal requirements to specific sites. They also "provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the

environment are protected," Wheeler said in a statement. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

Prior to joining the EPA as second-in-command of the agency in April this year, Wheeler was a lobbyist with Faegre Baker Daniels consulting, where one of his clients was Murray Energy, "the country's largest underground coal mining company." According to his recusal statement, he also represented a number of other energy companies, including Energy Fuels Resources Inc, Growth Energy, and Xcel Energy. In that statement, Wheeler said he would abstain from participating in any decisions involving former clients for the next two years. Energy industry groups have been actively trying to revise the standards since President Trump came into office. The Utility Solids Waste Activities Group, an industry organization representing more than 110 utility groups, sent a petition to the agency challenging the 2015 regulations on coal ash containment. It called the regulations too rigorous and costly.

According to the petition, the rule resulted "in significant economic and operational impacts to coal-fired power generation," claiming that it was such a burden that "the economic viability of coal-fired power plants is jeopardized."

Industry trade groups such as the Edison Electric Institute previously argued that proposed changes to the standards weren't a rollback, but rather, a way to better tailor to the needs of each site. "We believe (states) are in a better spot to look at local issues. The folks at the state regulatory agencies have a much better feel for the issues at hand," Edison Electric Institute's Jim Roewer, who is also the executive director of the Utility Solid Waste Activities Group.

In a statement from the Utility Solid Waste Activities Group, Roewer said "this action provides the regulatory certainty needed to make investment decisions to ensure compliance and the continued protection of health and the environment."

The EPA said more of the previously proposed changes to the 2015 coal ash rules will be addressed later, and additional changes will be proposed, as well.

Environmental advocates said the new rules are a gift to industry.

"This administration is granting the wishes of the lobbyists and the lawyers for the coal ash utilities and is turning its back on the families and communities across America that are suffering the consequences of primitive coal ash disposal," said Frank Holleman, a senior attorney at the Southern Environmental Law Center.

Coal ash is one of the most-generated forms of industrial waste in the country. According to the American Coal Ash Association, about 110 million tons are generated each year. About half of all coal ash produced in the United States is recycled into construction materials such as concrete or wallboard; it makes these materials stronger. However, that leaves about 50 million tons of coal ash that need to be disposed of every year.

Historically, when coal was burned, plants would send the ash out of smokestacks, creating dark plumes of smoke. Now, scrubbers and filters collect much of the ash. It may not escape into the air anymore, but it does have to go somewhere. Traditionally, power plants mixed the leftover ash with water and sluiced it into unlined pits, where the ash would settle to the bottom.

Sometimes, these ponds were dug into the groundwater table -- water that can be pulled up by private drinking wells, or that eventually makes its way into drinking water. Many of these sites also sit along the banks of rivers, lakes and streams, separating waste from waters with nothing more than earthen banks.

According to the EPA, there are over 1,000 coal ash disposal sites across the country, many of them constructed in the 1950s and 1960s, well before any sort of regulations.

Holleman, the Southern Environmental Law Center attorney, said he can't imagine a more precarious way to manage this waste.

"Millions of tons of industrial waste directly on the banks of major drinking water reservoirs that serve hundreds of thousands of people," he said, "that's a recipe for disaster."

In the past decade, there have been two major coal ash spills in the US. In 2008, a break in a dam at the Tennessee Valley Authority's Kingston power plant sent over a billion gallons of coal ash cascading into the Clinch River. The black sludge blanketed over 300 acres, inundating the area around Kingston, Tennessee. The spill destroyed three homes and damaged a dozen others. Scientists found fish contaminated with high levels of arsenic and selenium months after the spill.

## **Power**

EPA Finalizes First Set of Coal Ash Rule Revisions

<http://www.powermag.com/epa-finalizes-first-set-of-coal-ash-rule-revisions/?pagenum=1>

Posted: July 19<sup>th</sup>, 2018 By: Sonal Patel

The Trump administration has finalized a significantly weakened rule governing the disposal of coal ash in landfills and surface impoundments by coal generators nationwide.

The Environmental Protection Agency (EPA) revealed on July 18 that it signed the first rule of its two-part rulemaking set that overhauls the Obama administration's final 2015 rules for the disposal of coal combustion residuals (CCR). The final rule, "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Amendments to the National Minimum Criteria Finalized in 2018 (Phase One, Part One)," follows a fiercely controversial March 2018 proposal in which the agency proposed more than a dozen changes to the 2015 final CCR rule.

However, the final rule, which was formally signed on July 17, only addresses a handful of these proposed changes. According to the EPA, it responds to "stakeholders' comments on the proposal," and mainly seeks to better align the CCR rule with the anticipated timing of the EPA's potential revisions to the Effluent Limitations Guidelines (ELG) and Standards for the Steam Electric Power Generating Source Category, the agency told POWER in a statement on July 18.

### *Two Alternative Performance Standards and Deadline Extensions*

In the final rule, the EPA finalized two types of alternative performance standards. The first allows states with EPA-approved coal ash permit programs or the EPA to suspend groundwater monitoring requirements "if there is evidence that there is no potential for migration of hazardous constituents to the uppermost aquifer during the active life of the unit and post closure care." The second standard allows for the issuance of technical certifications in lieu of a professional engineer.

The EPA also revised the groundwater protection standard for constituents that do not have an established drinking water standard (also known as a maximum contaminant level, or MCL).

As significantly, the EPA extended a deadline by which facilities triggered into closure must cease placement of waste in CCR units. That applies to facilities that have detected a significant increase above a groundwater protection standard from an unlined surface impoundment, or where the unit is unable to comply with local restrictions regarding placement above the uppermost aquifer. The deadline now gives these facilities until October 31, 2020—about 18 more months compared to the 2015 rule.

“The agency selected the date to coordinate with the revised compliance date for the ELG requirements,” it said. The ELG rule, which is under regulatory review, will likely be revised or rescinded by December 2019, it noted. That will provide “nine months from the rule’s likely publication in January 2020,” which is “sufficient for facilities to make informed decisions to meet the requirements of both rules,” it said.

*Environmental Groups: Final Rule Dismantles Minimum Protections*

The EPA said that it received more than 160,000 comments on the proposed rule, but it noted that a “majority of commenters” focused on the four provisions remanded back to the agency by the D.C. Circuit in June 2016, as well as six alternate performance standards to reflect the EPA’s new CCR enforcement authority under amendments to the Resource Conservation and Recovery Act (RCRA) as part of the 2016-enacted Water Infrastructure Improvements for the Nation Act (WIIN Act). “A number of commenters argued that no revisions were necessary to the April 2015 final CCR rule,” it noted.

Among commenters opposed to the changes were several environmental groups, which point out that the agency provided a sparse 45-day comment period and held only one dedicated public hearing for its vast changes to the rule. On July 18, those groups, including EarthJustice, the Sierra Club, Waterkeeper Alliance, and the Environmental Integrity Project, noted that the rule failed to address key environmental protections or weakened protections established in the 2015 version.

The rule, for example, failed to add boron to the list of coal ash contaminants. The common element is highly soluble, and according to power experts, treatment options for boron are limited and expensive.

The environmental groups also said the rule “weakens drinking water protection standards by removing strong national limits for groundwater contamination for several hazardous chemicals, namely lead, cobalt, lithium and molybdenum.” Of more immediate concern, it “extends compliance deadlines for closing unlined leaking ash ponds and ash ponds within five feet of groundwater and permits hundreds of leaking ponds to continue to operate.” Finally, in lieu of professional engineers, it “allows state officials to judge whether sites are following rules.” The groups added: “Every single one of the changes is in response to an industry petition filed with the Trump administration in 2017.”

In its final rule, the EPA provides some justification for why it did not finalize some proposed amendments. It added, however, that provisions from the March 2018 proposed rule that were not finalized will be addressed “in a subsequent phase of rulemaking.” The EPA also plans to propose other changes to the 2015 coal ash rule later this year.

According to Acting EPA Administrator Andrew Wheeler, the rule seeks to provide utilities and states more flexibility in how CCR is managed. But it will also ensure “human health and the environment are protected,” he said. Also, it will save industry between \$28 million and \$31 million a year in regulatory costs. “Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs,” he said.

Separately, on July 12, the EPA and the U.S. Army Corps of Engineers issued a supplemental notice seeking additional comment on their 2017 proposal to repeal the definition of the term “waters of the United States” (WOTUS). The agencies issued the rule, also known as the “Clean Water Rule,” in June 2015, in a bid to protect wetlands from pollution and degradation. It has been challenged widely by project developers and landowners across several sectors, including from the power industry.

In the supplemental notice, the agencies propose to conclude that the rule exceeds their authority under the Clean Water Act, and that “administrative goals of regulatory certainty would be best served by repealing the 2015 Rule.” However, the agencies also want to hear about whether other alternatives to a full repeal—which include revising specific elements of the WOTUS rule, issuing revised implementation guidance and implementation manuals, and proposing further changes to the date for when the rule would be applicable—would address deficiencies in the rule.

The agencies will accept comments on their supplemental notice through August 13, 2018. According to law firm Van Ness Feldman, the proposed rule will make “little practical difference, at least in the short term,” for regulated entities.

“The 2015 Rule continues to be subject to a preliminary injunction issued by the District of North Dakota as to 13 States: Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, North Dakota, South Dakota, Wyoming, and New Mexico,” it noted. The 2015 rule is also subject to a preliminary injunction issued by the U.S. District Court for the Southern District of Georgia for 11 more states: Alabama, Florida, Georgia, Indiana, Kansas, Kentucky, North Carolina, South Carolina, Utah, West Virginia, and Wisconsin. Meanwhile, the U.S. District Court for the Southern District of Texas is considering preliminary injunction motions filed by parties including the states of Louisiana, Mississippi, and Texas. Michigan, Ohio, and Tennessee are seeking a preliminary injunction in the U.S. District Court for the Southern District of Ohio, the law firm added.

“Moreover, if the proposed rule to repeal the 2015 Rule is issued, it will almost certainly be challenged in court, leading to continued uncertainty,” the law firm said. “Thus, the regulated community will probably not see long-term certainty until after the agencies issue a new rule and the Supreme Court issues a decision on the substance of the ‘waters of the United States’ definition.”

## **Glider Truck Court Decision**

### **Popular Science**

'Glider Trucks' are Pollution Machines, but They Might Roll Past EPA Regulations

<https://www.popsci.com/glider-trucks-pollution-loophole>

Posted: July 19<sup>th</sup>, 2018 By: Jennifer Lu

Leading up to the Trump administration, the Environmental Protection Agency had been on track to regulate a group of highly polluting freight trucks called gliders or glider kits.

Compared to conventional new trucks, glider trucks—rebuilt from old, salvaged diesel engines fitted into new frames—emit approximately 55 times more soot and other fine particle pollution associated with a higher risk of asthma, lung and heart disease, and premature death, according to the EPA’s own analysis.

But even as emissions standards for new heavy-duty diesel trucks became stricter in 2010, glider kits flew under the regulatory radar on account of their old engines, which only had to meet emissions standards from the year they were manufactured.

As such, the number of glider kits in the truck fleet jumped from under 1,000 gliders before 2010 to more than 10,000 in 2015. And though glider trucks made up about two percent of heavy-duty truck sales in 2014, the EPA estimates they accounted for about 50 percent of the air pollution from all trucks.

To close this regulatory loophole and protect public health, the EPA finalized a rule in 2016 requiring glider kits to meet the model year emission standards according to the year they’re assembled, not the year the engine was manufactured. However, the EPA gave glider kit manufacturers some lead time before they capped the number of rule-exempt gliders that small businesses could produce to less than 300. That rule kicked into effect in January 2018, but by then the Trump EPA had already started dismantling it.

In November 2017, the Trump-era EPA reversed course on regulating glider kit emissions after lobbying from manufacturers led by Fitzgerald Glider Kits, which bills itself as North America's largest assembler of glider trucks. Fitzgerald, which says it produces more than 3,500 trucks each year, also hosted Donald Trump at one of its dealerships during his presidential campaign and paid for a study that former EPA administrator Scott Pruitt used to justify repealing the 2016 rule. The study is now being scrutinized for scientific misconduct.

Then, in the eleventh hour of Pruitt’s tenure at the EPA, the agency announced July 6 it would suspend enforcement of the 2018 cap limiting glider kit production. For Fitzgerald, that could mean an additional 3,200 gliders sold this year.

The last-minute action expedited what EPA was already planning to do by repealing the rule, but circumvented the regulatory process, causing a further uproar in the environmental community and among states.

On July 13, a coalition of thirteen state attorneys general called the de facto suspension "a sweeping abdication of [the EPA’s] statutory responsibilities" in a signed letter asking EPA to enforce glider kit production quotas, or face them in court.

The EPA is only supposed to use its enforcement discretion to avoid endangering public health and the environment, the letter says. "Here, EPA's action does not avoid such risks, but instead creates them."

A few days later on July 17, three environmental groups petitioned the D.C. Circuit Court of Appeals to postpone the EPA’s “no action assurance” to glider kit manufacturers. The court granted their petition on July 18.

By the EPA's own analysis, taking 1,000 glider trucks off the road could prevent 160 premature deaths due to air pollution, says Paul Billings, the American Lung Association’s senior vice president of public policy.

Without a quota on gliders, “you can see that a few years of additional sales of these trucks are going to lead to a lot of premature deaths,” Billings says. “It’s not consistent with the role EPA is supposed to play.”

A number of heavy duty truck manufacturers including Volvo, Cummins, and Navistar which have invested in modern pollution control technologies to meet emissions requirements, also support regulating glider emissions. They want to see EPA close a loophole that currently gives glider trucks, which cost less to produce and aren’t always subject to a 12 percent sales tax, a competitive advantage over their trucks.

“Our industry has made great strides in the last decade,” wrote Jim Maddox, president of Tri-State Truck Center, a heavy-duty truck dealership in support of glider kit regulations. “Not only are our trucks the cleanest running they have ever been, but also safer than they have ever been. Let’s put everyone on the same playing field and continue the progress we have been making.”

### **Reuters**

U.S. court blocks EPA decision not to enforce 'glider truck' limits

<https://www.reuters.com/article/us-usa-trucks-pollution/us-court-blocks-epa-decision-not-to-enforce-glider-truck-limits-idUSKBN1K82OX>

Posted: July 18<sup>th</sup>, 2018 @ 3:38pm

WASHINGTON (Reuters) - A federal appeals court on Wednesday temporarily blocked a decision by the U.S. Environmental Protection Agency that would have lifted strict limits on the number of remanufactured heavy duty vehicles known as “glider trucks” that could be sold.

The vehicles have a used engine in a new frame and rules introduced under former President Barack Obama, a Democrat, said nearly all new trucks on the road must use more efficient, less polluting engines. The glider trucks emit up to 450 times more diesel particulate matter and up to 40 times more smog-forming nitrogen oxides than new trucks on the market, the EPA has said

EPA issued a memo on July 6 that said the agency would not enforce a limit of up to 300 gliders per manufacturer. The EPA in November formally proposed undoing the glider rule but has not finalized it. The EPA, which said Wednesday it was reviewing the decision, had said in its memo that enforcing the rules would result “in the loss of jobs” and threaten the viability of companies making the glider trucks.

Volvo Group North America, Cummins Inc and Navistar International Corp said last year they opposed efforts to reverse the limits on glider trucks.

Glider kits “should not be used for circumventing purchase of currently certified powertrains.” The move could inflict “uncertainty and damage to our industry,” the companies said.

Environmental Defense Fund President Fred Krupp said the “decision today is an important step toward protecting the health of all Americans from super-polluting diesel freight trucks.”

The U.S. Court of Appeals for the District of Columbia said the EPA must respond to the lawsuit from environmental groups by July 25. The court order said the “stay is to give the court sufficient opportunity to consider the emergency motion” and not a ruling “on the merits” of blocking the memo.

The EPA has previously said that if gliders were allowed through 2025, they would make up 5 percent of the freight trucks on the road but would account for one third of all nitrogen oxides and particulate matter emissions from the heavy truck fleet.

Glider companies told the EPA that glider trucks are 25 percent cheaper than new vehicles.

In August 2016, the Obama administration issued final rules to cut greenhouse gas emissions from medium and heavy duty trucks through 2027, a sector that accounts for 20 percent of carbon pollution from vehicles.

The commercial vehicle rules are expected to cut 1.1 billion metric tons of greenhouse gas emissions, the Obama administration estimated.

## **Flint Water**

### **ABC News**

EPA inspector general points some blame for Flint water crisis response

<http://www.abc12.com/content/news/EPA-inspector-general-points-some-blame-for-Flint-water-crisis-response-488647131.html>

Posted: July 19<sup>th</sup>, 2018 @ 2:40pm (updates July 19<sup>th</sup>, 2018 @ 2:44 pm) By: ABC12 News Team

FLINT (WJRT) - The EPA inspector general issued a report on Thursday pointing some blame for the Flint water crisis on the agency.

A detailed investigation of the federal government's actions before and during the water crisis faults local, state and federal drinking water officials for poisoning thousands of Flint residents with excessive lead.

The report developed nine recommendations to strengthen the EPA's oversight of drinking water systems and effectiveness of monitoring compliance with the Lead and Copper Rule.

The EPA earlier acknowledged it had authority and information to issue an emergency order protecting Flint residents seven months earlier than an order actually was issued.

The report faults the Flint Water Department and Michigan Department of Environmental Quality for failing to have an inventory of lead water service lines and maintaining corrosion control treatment after beginning to pump drinking water from the Flint River in 2014.

The inspector general faulted the EPA for failing to implement management controls to provide a better framework for making decisions about Flint's switch in water source.

The report also faults the EPA for responding slowly to the water crisis as it unfolded and failing to clearly define roles for all agencies working on relief efforts.

"While oversight authority is vital, its absence can contribute to a catastrophic situation," said EPA Inspector General Arthur A. Elkins. "This report urges the EPA to strengthen its oversight of state drinking water programs now so that the agency can act quickly in times of emergency."



Eight of the inspector general's recommendations have been implemented, but the ninth remains unresolved

## **Science Transparency**

### **Chemical Watch**

Groups Unite Against US EPA 'Science Transparency' Proposal

<https://chemicalwatch.com/68840/groups-unite-against-us-epa-science-transparency-proposal>

Posted: July 19<sup>th</sup>, 2018 By: Kelly Franklin

A wide array of groups – including medical associations, state attorneys general, scientific societies, academics and consumer and environmental advocates – have called on the US EPA to withdraw its 'science transparency' proposal.

The comments came in a 12-hour hearing hosted by the EPA in Washington, DC, on its proposed rule: Strengthening transparency in regulatory science. Formally issued in April, it seeks to ensure the studies, models and analyses the agency uses to underpin its regulatory decisions are "available to the public for validation".

But the proposal has been met with vocal opposition from a wide range of groups since news of it first broke. And the majority of testimony heard from more than 100 stakeholders reiterated concerns with the "flawed and misconceived" approach.

"In the name of transparency, it would burden EPA scientists with unnecessary and costly procedures that run counter to the agency's longstanding obligation to base public health decisions on the best available science," testified Bob Sussman, of Safer Chemicals, Healthy Families.

Multiple speakers raised concern that the proposal would create issues around the confidentiality of medical records and study participant data. And some raised fears that the approach could have a "chilling effect" on science itself, if study participants had to be informed that their data could be made public.

Jennifer McPartland, senior scientist at the Environmental Defense Fund (EDF), said the proposed ban on scientific studies where all underlying data is not made public would "effectively bar the agency from using high quality scientific research in setting public health safeguards".

In a blog post, she said this could directly threaten – among other activities – the EPA's proposed bans on certain uses of trichloroethylene and methylene chloride, as these rely on science that was peer reviewed, but not available publicly.

The EDF was one of many organisations that urged the agency to withdraw the rule.

#### **Support**

Despite these concerns, some in industry spoke in favour of certain aspects of the proposal.

The American Petroleum Institute's (API) Ted Steichen said the trade group believes data and analysis underlying regulatory decisions "should be transparent and reproducible, and available as early as possible in the rulemaking process".

Kimberly White testified on behalf of the American Chemistry Council's (ACC) formaldehyde panel in support of the proposal's consideration of non-linear dose-response modelling.

Dr White also highlighted the need for increased transparency, citing past experiences where the group had "considerable difficulty in understanding what data is being relied on and how the agency has ensured the highest quality and most relevant science is informing its decisions."

#### **Road ahead**

Beyond the hearing, more than 200,000 comments have been submitted to the public docket. More continue to stream in ahead of the 16 August deadline.

Speaking to Chemical Watch after the hearing, Veena Singla, associate director of science and policy with the University of California at San Francisco's programme of reproductive health and the environment, said that she "would certainly hope" the EPA would change course based on the stakeholder feedback. "I can't really predict what [the EPA] may or may not do, but I think the comments... really lay out the evidence that this rule is scientifically and technically flawed and should not move forward", she said.

## **Overview Articles**

### **The Hill**

Overnight Energy: Watchdog opens investigation into Interior chief | Judge halts Pruitt truck pollution rule decision | Winners, losers in EPA, Interior spending bill amendments

<http://thehill.com/policy/energy-environment/overnights/397750-overnight-energy-watchdog-investigation-opened-into>

Posted: July 18<sup>th</sup>, 2018 @ 6:26pm By: Miranda Green and Timothy Cama

Happy Wednesday! Welcome to Overnight Energy, The Hill's roundup of the latest energy and environment news.

Please send tips and comments to Timothy Cama, [tcama@thehill.com](mailto:tcama@thehill.com), and Miranda Green, [mgreen@thehill.com](mailto:mgreen@thehill.com). Follow us on Twitter: [@Timothy\\_Cama](https://twitter.com/Timothy_Cama), [@mirandacgreen](https://twitter.com/mirandacgreen), [@thehill](https://twitter.com/thehill).

HOUSE MAKES PROGRESS ON 'MINIBUS' SPENDING BILL: The build up to the House Appropriations bill to fund the Interior Department and Environmental Protection Agency and is fully underway today, with a handful of key amendments already being shot down in votes, and at least one making it through. Another vote series is expected later tonight.

Here are the amendment winners and losers so far...

Lawmakers voted Wednesday to reject Rep. Raul Grijalva's (D-Ariz.) proposal that would have boosted funding for Interior's Office of Inspector General (OIG) by \$2.5 million, taking the money way from Zinke's office.

Grijalva argued that the OIG is stretched too thin with all of the high-profile probes into Zinke and others.

"Funding and staffing shortfalls resulting from flat funding or small cuts have caused the Office of Inspector General in recent months to forgo investigations altogether. Investigation requests from Congress and from tips originating within the Department of the Interior have either been rejected or are awaiting resources to be freed up in order to address them," he said on the House floor Tuesday.

Republicans said the funding boost is unnecessary, noting that the OIG didn't request it. The office got \$49.95 million in the current year's budget.

"Although I am a big fan of the Inspector General's office, the current budget is funded at the budget request, and therefore I do not see us raising \$2.5 million by raiding the secretary of the Interior's operating account. I think it goes way too far," said Rep. Paul Gosar (R-Ariz.).

The vote failed 223 to 190, with all but five Republicans voting no and all but one Democrat voting yes.

The House voted on four other amendments to the spending bill Wednesday afternoon.

Lawmakers rejected a proposal by Rep. Andy Biggs (R-Ariz.) to move \$1.4 million into the National Park Service's maintenance account from the Bureau of Land Management's land acquisition account and one from Rep. Alma Adams (D-N.C.) to push for higher funding for the Environmental Protection Agency's (EPA) environmental justice program.

The House passed an amendment by Rep. Tom O'Halleran (D-Ariz.) to shift \$3 million to Interior's Office of Navajo-Hopi Relocation from the Office of the Special Trustee for American Indians and one from Rep. Glenn Grothman (R-Wis.) to cut by 15 percent the budgets of the National Endowments for the Arts and Humanities.

The White House says it's 'concerned' over spending boosts: The White House said Wednesday it is "concerned" over a number of provisions in the bill, such as those that boost funding relative to Trump's budget request. But Trump didn't threaten to veto it.

Officials said they are concerned at the \$8.3 billion EPA funding level, just a \$100 million cut from the current year and \$2.2 billion higher than what Trump wanted.

The administration is also disappointed that the House didn't eliminate funding for the National Endowments for the Arts and Humanities, saying the White House "does not consider their activities to be core Federal responsibilities."

What's coming next: The House is planning another series of votes on amendments late Wednesday.

Lawmakers are then on pace to vote on the full bill Thursday morning.

**JUDGES HALT PRUITT'S TRUCK POLLUTION POLICY:** A federal appeals court on Wednesday blocked a Trump administration policy that sought to ignore a regulation limiting sales of trucks that environmental groups called "super-polluting."

The policy memo at issue said EPA wouldn't enforce a 2016 regulation from the Obama administration that sought to put a cap on sales of "glider trucks," new heavy trucks with older chassis and engines that do not meet current air pollution rules.

Former EPA head Scott Pruitt issued the memo on July 6, the day he resigned from the agency.

In granting a Tuesday motion from green groups to stop the policy, a three-judge panel said the stay is intended "to give the court sufficient opportunity to consider the emergency motion and should not be construed in any way as a ruling on the merits of that motion."

Environmental groups had argued that the July 6 "no action assurance" memo is illegal because it essentially overturns a regulation without going through the usual process to do so, including giving public notice and taking comments.

The green groups argued further that allowing unlimited sales of glider trucks is a major threat to air quality, citing EPA's own research findings that found that gliders emit as much as 43 times the nitrogen oxides as new trucks and 55 times the particulate matter.

"The D.C. Circuit's swift action highlights the extreme nature of this lawless attempt to put more ultra-dirty trucks on our roads," Vera Pardee, senior counsel at the Center for Biological Diversity, said of the court's decision. The group is one of the organizations that sued over the policy.

"[Acting EPA Administrator] Andrew Wheeler didn't block Pruitt's putrid final shot at harming the American public, but the court did," Pardee said.

An EPA spokesman said only that the agency is reviewing the decision.

## Message

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**From:** Hassell, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24C1350E0DF84A3CA1F5852C0FEB971B-HASSELL, EM]  
**Sent:** 6/13/2018 8:07:53 PM  
**To:** AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]  
**Subject:** News Clips - 13 June 2018

*(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)*

### Superfund

[BNA - EPA Hopes Adding Gold King Sludge to Lead Waste Will Clean Both](#)

[BNA - Portfolio Approach to Superfund Sites Could Speed Cleanup](#)

### Ethanol

[Reuters - EPA chief hints he could order more ethanol in fuel](#)

[The Hill - Pruitt faces resistance from ethanol groups during midwest trips](#)

### Administrator Pruitt Coverage

[The Hill - Fox's Ingraham calls for Trump to fire Pruitt: 'GOTTA GO'](#)

[The Hill - Conservative group launches ad calling on Trump to fire Pruitt](#)

[Politico - EPA IG refers lawmakers' questions on Pruitt legal defense fund to ethics officials](#)

[Washington Post - EPA chief Scott Pruitt tapped aide, donors to help wife land job at conservative group](#)

[E&E Climatewire - Pruitt won't eat before speeches. 'We will hold off on food'](#)

[Washington Examiner - How Scott Pruitt could be criminally prosecuted for EPA scandals](#)

[Washington Post - Why Scott Pruitt has survived an avalanche of scandals — and why his survival could endanger the Trump administration \(\\*Op-Ed\)](#)

### General

[Daily Caller - Trump's EPA Slaps NYC with Massive Fine for Unsanitary Public Housing](#)

[Bloomberg - Researchers Argue Proposed EPA Changes Could Cause 80,000 More Deaths a Decade](#)

[BNA - Environmental Cops Cracking Down on Car Emissions Cheating](#)

The Hill - Senate panel rejects Trump's proposed Interior, EPA cuts

Politico - Court orders EPA to issue 'good neighbor' ozone plans by December

Reuters - U.S. judge orders EPA to limit pollution into New York, Connecticut

AP - Lake Superior dredging project delayed until at least fall

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## **BNA**

[http://esweb.bna.com/eslw/display/no\\_alpha.adp?mode=si&frag\\_id=136147156&item=408&prod=deln&cat=AGENCY](http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=136147156&item=408&prod=deln&cat=AGENCY)

### **EPA Hopes Adding Gold King Sludge to Lead Waste Will Clean Both**

By Tripp Baltz, 6/12/18

Nothing like using some pollution to clean up other pollution.

The Environmental Protection Agency is taking a novel approach to deal with an excess of sludge from Colorado's 2015 Gold King Mine spill: Use it to treat waste at a nearby contaminated mine site frequented by dirt bikers.

The agency will soon begin trucking the sludge from a temporary wastewater treatment facility at Gladstone, Colo., to the Kittimac tailings, a nearby waste pile contaminated with lead from historic mining operations, Cynthia Peterson, EPA spokeswoman, told Bloomberg Environment June 8.

Gold King and the Kittimac tailings are two of the 48 sites within the Bonita Peak Mining District Superfund Site, designated after the August 2015 blowout.

The EPA prefers this option because it will significantly decrease disposal costs for Gold King sludge "and will also bind up the metals in the Kittimac tailings, thereby reducing the potential for this material to leach or erode into nearby surface or groundwater," Peterson said.

The EPA, which triggered the original release of some 3 million gallons of mining waste and sediment from the Gold King Mine, will conduct and pay for the operation, she said.

## **Render Inert**

Christina Progress, an EPA Superfund project manager, told Bloomberg Environment June 8 the method will render both wastes inert.

"It is a creative approach that addresses a number of issues: stabilizing sludge, mitigating exposure to both sludge and tailings, and immobilizing metals from the tailings," Progress said. "I'm not aware of this approach being used at many other Superfund sites."

The idea came out of necessity: the Gladstone interim water treatment plant, which the EPA installed three months after the Gold King spill at a cost of \$1.5 million, recently reached capacity, Mark Rudolph, the Bonita Peak Superfund manager project manager for the Colorado Department of Public Health and Environment, told Bloomberg Environment.

The EPA had nowhere to put the excess sludge, which is steadily accumulating as wastewater continues to flow out of Gold King at the rate of 450 gallons a minute. The agency contemplated trucking the waste over two mountain passes to a landfill 70 miles south of Durango.

It then approached the owner of the tailings pile, he said. The pile is already a Superfund site, so receiving the Gold King waste doesn't increase the owner's liabilities under the Comprehensive Environmental Response, Compensation and Liability Act, Rudolph said. "Nobody's going to enforce upon him for the cleanup costs," Rudolph said.

### **'Total Win-Win'**

The sludge from Gladstone was generated by adding lime to raise the pH level of the wastewater streaming out of Gold King, causing the dissolved metals in the water to form into solids that can then be removed via settling ponds at the treatment plant. The process creates an estimated 4,600 cubic yards of sludge annually, the EPA estimated.

The sludge—which is highly alkaline—will blend with the acidic waste at Kittimac, rendering both inert.

"So this is a total win-win," Rudolph said. "And believe it or not, this will make it safer for human exposure at the tailings pile."

This is a good thing, he said, given that dirt bikers and ATV enthusiasts—ignoring warning signs and the wishes of the site owner—have turned the mound into a recreational facility with trails, tracks, and jumps. Rudolph said the bikers and riders, many of whom don't wear face masks, are kicking up and inhaling dirt contaminated with lead dust.

### **Revegetate Site**

After the sludge deliveries are done, the EPA will cover the Kittimac site with fill dirt and revegetate it. Rudolph said. During the operation the public will not have access to the site and it will be inspected regularly afterward, he said.

In about a week, the EPA will begin trucking the sludge and conducting tests after mixing the wastes, he said. It will then take a break to avoid disrupting tourist visiting the region. Sludge shipments will begin again in September, according to Rudolph.

If the experiment works, the EPA could consider using the sludge for other beneficial uses at Bonita Peak, such as injecting it "back into the mountain to inoculate mine water before it comes out," Rudolph said.

Meanwhile, the EPA is continuing to look for a long-term mine waste repository for the Bonita Peak wastes, the EPA's Peterson said.

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### **BNA**

[http://esweb.bna.com/eslw/display/no\\_alpha.adp?mode=si&frag\\_id=136147154&item=408&prod=deIn&cat=AGENCY](http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=136147154&item=408&prod=deIn&cat=AGENCY)

### **Portfolio Approach to Superfund Sites Could Speed Cleanup**

By Sylvia Carignan, 6/12/18

Companies handling risk and liabilities for the country's most contaminated sites said the EPA should facilitate packaging multiple sites into a single, faster cleanup project.

Diversifying a portfolio of sites hedges against some of the risks of negative consequences at a site, like unanticipated cleanup costs or newly discovered contaminants, companies told Bloomberg Environment. Those portfolios can range from a handful to more than a hundred sites, including some of the country's most contaminated properties.

The Environmental Protection Agency is considering suggestions about how to manage the environmental liabilities Superfund sites present. An attorney whose clients handle multiple sites suggested a portfolio approach could help companies get the sites—and their costs—off their balance sheets faster.

Companies who routinely take on environmental risks, such as Environmental Liability Transfer Inc., based in St. Louis, Mo., are already using a portfolio approach. They buy multiple contaminated sites from a company under one deal, cleaning them up at a faster rate than if the company had sought individual buyers for each site or managed the cleanup themselves.

For example, oil and gas giant Royal Dutch Shell PLC, also known as Shell, handed over more than 150 of its sites in Canada and the U.S. to Environmental Liability Transfer Inc. for to put them back into productive use.

None rose to the level of Superfund sites, Shell spokesman Ray Fisher told Bloomberg Environment in an email. Shell retains its role as the responsible party at those sites.

"A portfolio approach can ensure the sites are restored efficiently while maintaining focus on safety and environmental protection," Fisher said in an email.

Environmental Liability Transfer said they have cleaned up a "significant portion" of those projects.

### **Interest in Portfolios**

More companies are interested in trying a portfolio approach, Brian Israel, partner and chair of the environmental practice group at Arnold & Porter Kaye Scholer LLP in Washington, said at a June 5 EPA meeting. Israel represents companies who have millions of dollars in environmental liabilities, including Honeywell International Inc. and Dow Chemical.

In some cases, it's more economical and consistent with a company's corporate strategy to put multiple sites in a portfolio, rather than handling them one by one, Israel told Bloomberg Environment.

"If you aggregate sites, then you aggregate risks," Marc Faecher, chief risk officer at the TRC environmental consultancy's New Providence, New Jersey office, told Bloomberg Environment.

The EPA also could benefit by getting more contaminated sites cleaned up, he said.

Sites on the EPA's National Priority List—also known as Superfund sites—are the most contaminated in the country.

EPA Administrator Scott Pruitt and an agency task force are focusing on accelerating those cleanups, which can take years or decades to remediate depending on the site. The agency also is pushing those sites toward redevelopment by getting third parties to invest in their cleanup.

### **Push for Predictability**

Faecher said EPA should support not just the portfolio approach, but also the concept of third parties accepting environmental liabilities. The agency can do that by selecting consistent remedies, he said.

"EPA needs to make the process more predictable to make the cost modeling more understandable," he said. "[If] I don't know what the remedy's going to be, or if the remedy's going to change dramatically ... all of that is going to drive up costs."

The speed of cleanups also matters, he said.

"You need to be able to get the site done quickly and efficiently in order for environmental liability transfers to work," he said. The EPA's Superfund task force recommendations, released last year, indicate the agency is on its way to accomplishing that, he said.

Colleen Kokas, executive vice president for Environmental Liability Transfer Inc. in the Philadelphia, Pa. area, agreed.



"We have seen significant change come from EPA with respect to new guidance, revision, and modification to existing tools," she told Bloomberg Environment. "We're very optimistic that they are advancing policies and guidance to allow for more Superfund sites to be put into private cleanup."

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## **Reuters**

<https://www.reuters.com/article/us-usa-biofuels-pruitt/epa-chief-hints-he-could-order-more-ethanol-in-fuel-idUSKBN1J82ML>

### **EPA chief hints he could order more ethanol in fuel**

By Chris Prentice, 6/12/18, 3:42 PM

NEW YORK (Reuters) - A week after the White House suspended its bid to reform the nation's biofuels policy to aid oil refiners, the head of the Environmental Protection Agency on Tuesday dangled a tantalizing prospect to Midwest corn farmers, saying the agency has the power to expand sales of higher ethanol gasoline blends.

EPA Administrator Scott Pruitt made the comments during a multi-day tour of the Midwest, as he fended off criticism from farmers and heartland lawmakers that his attempts since last year to overhaul the U.S. Renewable Fuel Standard (RFS) marked a betrayal of Republican President Donald Trump's promises to support rural jobs.

Those efforts, aimed at helping the oil industry cope with the costs of the RFS, came to a halt last week when the White House delayed indefinitely the announcement of a deal that had been months in the making. The deal would have effectively reduce the amount of corn-based ethanol U.S. refiners were required to blend, while also allowing summertime sales of gasoline containing 15 percent ethanol, a practice EPA currently bans due to smog concerns.

"He said they have the authority" to allow higher-ethanol gasoline sales year-round, said Bill Pracht, president and CEO of East Kansas Agri-Energy, after Pruitt visited his ethanol plant in the town of Garnett. "He didn't commit to it as a standalone."

The corn industry has long sought approval to sell gasoline containing 15 percent ethanol, a blend called E15, in the summer because it would increase demand for corn-based ethanol. EPA currently bans E15 during summer due to concerns the product contributes to smog, a finding contested by the biofuels industry, which has some research to back its position.

EPA spokesman Lincoln Ferguson confirmed Pruitt's comments: "The Administrator shared that he believes statutory authority to grant the ... waiver for E15 exists under the Clean Air Act, and to be effective, would require a subsequent notice and comment rule making process."

The RFS requires oil refiners to mix increasing volumes of biofuels like ethanol into the nation's fuel each year, and prove compliance by earning or acquiring blending credits that must be handed in to the EPA.

The law has helped Midwest corn farmers by creating a 15-billion-gallon-a-year market for ethanol, but refining companies have complained it incurs steep costs for them.

The White House deal last week would have allowed U.S. biofuels exports to count, for the first time, toward the annual volumes quotas, reducing the blending burden on refiners and lowering their costs. Farm state lawmakers refused to support that idea, even though it also would have provided the E15 waiver as a concession to the corn lobby.

During his visit, Pruitt added that he still supported allowing exports of ethanol and other renewables to qualify under the RFS, though he said the decision from the White House on that was put on hold, according to Pracht.

"It was important he finally got a glimpse of our industry firsthand," said Pracht. "This is such an economic driver for our community," said of his operation, which employs 50 people.

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### **The Hill**

<http://thehill.com/policy/energy-environment/392076-pruitt-met-with-resistance-from-ethanol-groups-during-midwest-trips>

#### **Pruitt faces resistance from ethanol groups during midwest trips**

By Miranda Green, 6/13/18, 12:55 PM

Environmental Protection Agency (EPA) head Scott Pruitt got an earful from corn growers and ethanol producers during his visit to Kansas on Tuesday.

Pruitt – who remains a key figure in ongoing debate between the ethanol and natural gas industry over the Renewable Fuel Standard (RFS) – faced strong criticism during a roundtable at the East Kansas Agri-Energy LLC ethanol plant in Garnett, Kan., attendees said.

Kansas Corn Growers Association President Ken McCauley said farmers at the meeting worked to clearly voice to Pruitt their frustration with any Trump administration proposal that would lower the RFS and allow oil and gas companies to sell fuel with a lower percentage of ethanol.

"When you look at what EPA is doing, they are most definitely picking winners and losers and right now, ethanol is the loser," McCauley said in a statement Wednesday.

"Our concern was that Administrator Pruitt thought he could come to Kansas, take a few photos with smiling farmers and tell the President that corn farmers are okay with his actions. That would be a gross misinterpretation of what happened here today."

McCauley added that farmers told Pruitt they were "mad as hell."

The EPA promoted the meetings in Kansas on social media, calling them informative and productive.

"Just finished up a candid and productive discussion with Kansas corn and grain sorghum farmers on #RFS," Pruitt tweeted from his official account on Tuesday. "I strongly believe the most effective way to make decisions is to hear directly from stakeholders. The Trump Administration is committed to standing up for the American farmer."

Corn farmers in South Dakota are also holding a tractor rally in Sioux Falls on Wednesday to protest the EPA chief as he pays a visit to the state.

"The Administrator of the Environmental Protection Agency (EPA), Scott Pruitt, continues to bail out multi-billion-dollar oil refiners at the expense of South Dakota farmers. It's time to get Administrator Pruitt on board with President Trump's agenda," South Dakota Corn wrote in its event description.

The Trump administration has been mulling changes to the RFS while facing pressure from oil and gas companies that say the current standards hamper their sales and unnecessarily benefit the ethanol industry.

The ethanol industry, meanwhile, has been lobbying Pruitt to approve the use of gas blends with 15 percent of ethanol during summer months — a percentage currently prohibited due to pollution concerns.

The consideration has led to tense discussions between members of Congress who represent states with strong ties to corn and those with ties to the gas industry.

No deal has yet been announced.

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### **The Hill**

<http://thehill.com/homenews/media/392061-foxs-ingraham-calls-for-trump-to-fire-pruitt-gotta-go>

#### **Fox's Ingraham calls for Trump to fire Pruitt: 'GOTTA GO'**

By Joe Concha, 6/13/18, 11:52 AM

Fox News host Laura Ingraham on Wednesday called for Environmental Protection Agency (EPA) Administrator Scott Pruitt to be fired following a Washington Post report that he had a top aide and Republican donors help his wife find a job.

"PRUITT BAD JUDGMENT HURTING @POTUS, GOTTA GO: Pruitt had aide, GOP donors help wife find job," the conservative Ingraham tweeted.

The Post reported Wednesday that Pruitt reached out to donors including Doug Deason, whose family company has extensive holdings in the oil and gas industries, in the effort to find work for his wife, Marlyn.

The effort appeared to focus on getting Pruitt's wife a job in conservative political circles. She temporarily worked as an independent contractor for the Judicial Crisis Network.

Leonard Leo, the executive director of the Federalist Society who helped arrange the EPA head's visit to Italy last year, referred her to the conservative group.

Pruitt has faced a number of controversies involving ethics and spending. Many of the controversies have involved allegations that he used his position as EPA head, and used the agency's staff, for private gain, which can be illegal.

Ingraham's call for firing Pruitt is notable given her conservative credentials, and it falls in line with a number of lawmakers from both sides of the aisle who have been calling for Pruitt to be fired or resign.

Ingraham was once rumored to be a candidate for a position on Trump's staff.

She was thought to be a candidate for White House press secretary following Sean Spicer's departure, but she downplayed the rumors, telling Fox News on June 20 that she's "not sure the press secretary thing is something I'm dying to do."

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### **The Hill**

<http://thehill.com/policy/energy-environment/392062-conservative-group-launches-ad-calling-on-trump-to-fire-pruitt>

#### **Conservative group launches ad calling on Trump to fire Pruitt**

By Timothy Cama, 6/13/18, 11:55 AM

A conservative activist group is out with a new television commercial calling on President Trump to fire embattled Environmental Protection Agency (EPA) Administrator Scott Pruitt.

"EPA Administrator Scott Pruitt is embarrassing President Trump," the voiceover in the advertisement by the American Future Fund (AFF) says before running through some of Pruitt's recent high-profile scandals, like spending \$43,000 on a soundproof phone booth for his office and giving big raises to close aides by bypassing the White House.

"Mr. President, you know what to do," the voiceover says, cutting to a clip of Trump from "The Apprentice" saying "You're fired!"

"For the good of the country, Pruitt must go," the spot concludes.

AFF has been involved in numerous GOP election and policy battles, such as backing incumbent Republicans in a series of California primaries.

The group doesn't disclose its donors.

"President Trump needs to make an example out of Pruitt and show that this administration will not tolerate rampant abuse of taxpayer dollars," Nick Ryan, AFF's founder, said in a statement. "He is best known for using his office to enrich his wife, buy engraved keepsakes and direct federal guards to help find his favorite moisturizer. He's the head of the EPA, not the Sultan of Brunei."

Ryan also noted that Pruitt's efforts at environmental deregulation "have been mired in court challenges and needless battles over personal spending."

AFF is initially running the ad in Nebraska and South Dakota.

The group launched its campaign late Tuesday, the day before conservative Fox News host and Trump ally Laura Ingraham said on Twitter that Pruitt has "gotta go."

Numerous conservative lawmakers who have been allies of Pruitt have also expressed fatigue over his scandals lately. Sen. Joni Ernst (R-Iowa), for one, called Pruitt "about as swampy as you get here in Washington."

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## Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/06/epa-ig-refers-lawmakers-questions-on-pruitt-legal-defense-fund-to-ethics-officials-1407129>

### **EPA IG refers lawmakers' questions on Pruitt legal defense fund to ethics officials**

By Alex Guillen, 6/13/18, 2:30 PM

EPA's inspector general told several House Democrats today that their questions about Administrator Scott Pruitt's legal defense fund should be directed at agency ethics officials instead.

In a letter, EPA IG Arthur Elkins said that some of the Democrats' questions "are not actions related to his official government capacity, or about EPA activities or funds." The rest are "primarily, if not fully, ethics questions that should be addressed to EPA ethics official or to the U.S. Office of Government Ethics."

Those ethics officials might eventually refer to the OIG some issue regarding Pruitt's fund, at which point, Elkins wrote, "we will decide if any further OIG action is warranted."

The House Democrats wrote last month inquiring about Pruitt's fund, which is being managed by a private attorney outside of EPA.

WHAT'S NEXT: A spokesman for Don Beyer (D-Va.) said the Democrats likely will follow up with both EPA's ethics officials and OGE.

## **Washington Post**

[https://www.washingtonpost.com/national/health-science/epa-chief-scott-pruitt-tapped-aide-donors-to-help-wife-land-job-at-conservative-group/2018/06/13/f54c87fa-6db1-11e8-afd5-778aca903bbe\\_story.html?utm\\_term=.43bdd9de30ea](https://www.washingtonpost.com/national/health-science/epa-chief-scott-pruitt-tapped-aide-donors-to-help-wife-land-job-at-conservative-group/2018/06/13/f54c87fa-6db1-11e8-afd5-778aca903bbe_story.html?utm_term=.43bdd9de30ea)

### **EPA chief Scott Pruitt tapped aide, donors to help wife land job at conservative group**

By Juliet Eilperin, Josh Dawsey, Brady Dennis, and Shawn Boburg, 6/13/18, 8:00 AM

Environmental Protection Agency chief Scott Pruitt last year had a top aide help contact Republican donors who might offer his wife a job, eventually securing her a position at a conservative political group that has backed him for years, according to multiple individuals familiar with the matter.

The job hunt included Pruitt's approaching wealthy party supporters and conservative figures with ties to the Trump administration. The individuals said he enlisted Samantha Dravis, then serving as associate administrator for the EPA's Office of Policy, to line up work for his wife.

And when one donor, Doug Deason, said he could not hire Marlyn Pruitt because of a conflict of interest, Pruitt continued to solicit his help in trying to find other possibilities.

A spokesman for the Judicial Crisis Network confirmed Tuesday that it employed the onetime school nurse "temporarily as an independent contractor," but it did not disclose via email how long she worked there or what she was paid. The spokesman said the position came about after the group received her résumé from Leonard Leo, executive vice president of the Federalist Society. The two organizations have financial ties.

Leo is a prominent Pruitt backer and longtime friend who was involved in arrangements for the administrator's visit to Italy last year. Taxpayers spent more than \$100,000 on the trip, which included private tours of the Vatican and meals at some of Rome's finest restaurants.

Marlyn Pruitt left the JCN earlier this year, the spokesman said, adding that the group was pleased with her work. But the search and hiring raises more ethics questions about Scott Pruitt's use of EPA staff as well as his contacts with GOP contributors and outside allies for his personal benefit. Federal ethics rules prohibit public officials from using their posts for private gain or receiving free services or other gifts from their subordinates.

Virginia Canter, executive branch ethics counsel for the public watchdog group Citizens for Responsibility and Ethics in Washington, said in an interview that Pruitt's having a full-time EPA employee "become the headhunter for his spouse" was "highly inappropriate" since the outcome of the search "would affect his financial interests."

"It's above and beyond anything I'm aware of, with respect to any government employee," she said, with the fact that Leo accompanied Pruitt on the trip to Italy making the situation even more problematic.

Asked about the matter Tuesday, EPA spokesman Jahan Wilcox said in a statement, "I would refer you to outside counsel."

Pruitt's outside counsel, Cleta Mitchell — a political-law attorney at Foley & Lardner LLP, who also helped establish Pruitt's legal defense fund — did not respond to requests for comment Tuesday. Marlyn Pruitt also did not respond to a request for comment.

The administrator already faces a dozen federal inquiries into his spending and management decisions at the agency, including his first-class travels, a \$50-a-night condo rental from a lobbyist and the installation of a \$43,000 soundproof phone booth in his office. At no point did he consult with EPA ethics officials about his months-long efforts to get his wife a job, current and former agency officials said.

In several instances over the past 15 months, according to the individuals familiar with those overtures, Pruitt made overtures to corporate executives and prominent Republicans whom he had met either while serving as Oklahoma attorney general or after joining President Trump's Cabinet.

In 2017, for example, he approached Deason on whether the Dallas-based investor would be able to hire Marlyn Pruitt. A biography for Deason, who is president of his family's business, Deason Capital Services, notes that the firm has "a substantial holding in oil and gas operating company Foreland Resources, LLC."

Deason told officials — including Dravis and Mitchell — that he could not hire Pruitt because his company has financial dealings in areas regulated by the agency. He agreed to brainstorm other possibilities for her, he said Tuesday, consulting with both women about potential jobs. Deason said Dravis eventually deferred his questions to Mitchell.

"I couldn't find anything that made sense, that wasn't some kind of conflict," he said. "I'd get a list of names, and say, 'Here are some people, here's what they do,' and it didn't take long before it was pretty obvious that I was not going to be able to help."

Dravis, who has left the EPA and declined to comment, complained to friends at the time that she felt uncomfortable tapping Pruitt's extensive political network and her own to find a new source of income for his family. "He pressured her," one friend recalled, speaking on the condition of anonymity to discuss private conversations.

Marlyn Pruitt worked as a school nurse in the early 1990s before focusing on raising the couple's two children, according to Oklahoma state records and interviews with several current and former Trump administration officials.

She and her husband have a residence in Tulsa and one in Washington, and he told EPA aides last spring that he needed more money to maintain both. Current and former employees, who spoke on the condition of anonymity out of fear of retaliation, said the administrator embarked on a concerted campaign to line up employment opportunities for her.

In May 2017, The Washington Post reported last week, he instructed one of his schedulers to contact executives at the restaurant chain Chick-fil-A about a franchise for Marlyn. That same month, he introduced her to the chief executive of the New York City-based nonprofit Concordia, which later paid her \$2,000 for work on a conference that Pruitt addressed in his official EPA capacity.

The EPA declined to comment for that Post report.

The Judicial Crisis Network, which historically has pushed for the appointment of conservative judges, has given millions of dollars in recent years to groups associated with Pruitt, according to IRS filings. Starting in 2013, when he was chairman of the Republican Attorneys General Association, the JCN gave the organization \$2,445,000 over three years. It donated \$885,000 in the same period to the Rule of Law Defense Fund, an offshoot group Pruitt launched that describes itself as a "public policy organization for issues relevant to the nation's Republican attorneys general."

In 2016, records show, one of Pruitt's Oklahoma-based PACs, Liberty 2.0, received \$25,000 from the JCN. The attorneys general organization got \$1.3 million that year.

Asked about its financial support of Pruitt and organizations that he led, the JCN's spokesman said it was "among the most active defenders of the rule of law and limited constitutional government. . . . Pruitt was among the AGs who shared those principles and beliefs."

The group took in \$25.6 million in donations in the fiscal year that ended June 2017, its most recent tax filing indicates. It reported having no employees or volunteers but paid millions to outside contractors for polling, consulting, advertising and public relations. It is not required to disclose contributors.

Its spokesman said Marlyn Pruitt's work was related to setting up new offices. "She has great organizational skills, and she was retained by JCN at a time when the organization needed those skills," he said.

Pruitt also has been a reliable booster for the Federalist Society in recent years, interacting with it during his time as Oklahoma attorney general and speaking at events from Washington, D.C., to California.

As EPA administrator, Pruitt has continued to be a presence at Federalist gatherings, speaking on occasion and meeting with top officials, his public schedule shows.

During his second month on the job, he talked to a Federalist gathering at Tony Cheng's Restaurant in the District's Chinatown. Last September, he addressed a New York chapter of the Federalist Society. In February, he flew to Florida as the keynote speaker for a Federalist gathering at a Disney yacht club.

But while Leo proved helpful in connecting Marlyn Pruitt with the Judicial Crisis Network — it has an office in the same building as the Federalist Society on I Street NW in the District — not all of Scott Pruitt's efforts to line up work for his wife succeeded.

Deason's assistance ultimately fell short. The investor remained in touch with the administrator, however. According to emails recently released under the Freedom of Information Act, Deason emailed Pruitt and his chief of staff, Ryan Jackson, on multiple issues last year. In October, he secured Pruitt for the keynote address at a D.C. gathering of the Texas Public Policy Foundation, a conservative think tank on whose board Deason sits.

Deason said he continues to back Pruitt and his deregulatory agenda. "The president is supporting him, and I'm 100 percent convinced he is going to continue to support him," Deason said.

In his federal financial disclosure form last year, Pruitt wrote "none" in an entry for spouse's income. He requested an extension on this year's disclosure form, which was due in May.

Pressed last week about his wife's pursuit of work since he joined the Trump administration, Pruitt told a reporter, "Look, my wife is an entrepreneur herself."

Marlyn Pruitt, 52, had little earnings in the years before she and her husband moved to Washington. As Oklahoma attorney general, Pruitt certified on ethics forms that she had no income above \$5,000 in 2014 and 2015 — the threshold for disclosure.

State forms from earlier years do not specifically ask about a spouse's income. But other records show her previous employment and salary.

From 1991 to 1995, payroll records show, Marlyn Pruitt worked as a public school nurse in Jenks, a suburb of Tulsa, earning between \$18,300 and \$23,911 annually. A résumé she submitted to the school district shows she was certified in neonatal advanced life support and was a registered nurse in Oklahoma and Kentucky. It also identified her as a preschool Sunday school teacher.

Her nursing licenses expired in 1996, records show, just as Scott Pruitt was building a small legal practice in Tulsa focused on defending Christians in religious liberty cases.

Marlyn Pruitt kept a low profile in Oklahoma as her husband's political career took off. She appears to have launched a company of her own last June.

MP Strategies, LLC was incorporated in Oklahoma, though public records provide a few clues that the Pruitts are tied to the firm. (Scott Pruitt has declined to discuss the company.) The person named on incorporation documents is a lawyer at a Tulsa firm co-owned by Kenneth Wagner, a law school friend whom Pruitt brought into the EPA.

Yet the firm lists its business address as the Pruitts' home in Tulsa. And documents on file with the state show the company email address contains Marlyn Pruitt's name. Concordia CEO Matthew Swift confirmed in an email Monday that his group paid her for last year's logistics work through MP Strategies.

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## **E&E Climatewire**

<https://www.eenews.net/climatewire/stories/1060084275/search?keyword=EPA>

### **Pruitt won't eat before speeches. 'We will hold off on food'**

By Scott Waldman, 6/13/18

Don't feed the administrator.

One of the first things to know when EPA Administrator Scott Pruitt is speaking at your industry event or conservative think tank luncheon: He won't eat. Pruitt doesn't mind if others eat around him, however.

A recent batch of emails obtained by the Sierra Club under a Freedom of Information Act request contains multiple references to Pruitt's unwillingness to eat at events where he is speaking. Examples include a Heritage Foundation luncheon and the executive board of the National Mining Association.

Pruitt prefers to arrive before everyone is served, or after they've eaten, but he'll make exceptions if the host has important guests for him to meet, according to emails from Millan Hupp, his former scheduler.

In an exchange with an event planner from the Heritage Foundation, Hupp wrote that Pruitt would prefer to arrive at an October luncheon after everyone had eaten, unless he needed to be there earlier for important introductions.

"He typically does not eat so we may have him arrive as they are finishing up," Hupp wrote. "Although, if he were seated with folks with whom you would like for him to interact, we can arrange for him to be there in time for the meal."

Pruitt likes to settle in for a "fireside chat," during which a friendly host asks him gentle or preapproved questions, according to emails from Hupp, who left the agency earlier this month. Internal emails revealed that Pruitt asked Hupp to perform personal favors, like searching for his apartment and booking travel plans.

Pruitt seems to enjoy fine dining and has requested his security detail use flashing lights en route to a dinner reservation at Le Diplomate, a hip French restaurant in Washington, D.C. During his trip to Italy, he dined at La Terrazza, a restaurant in a five-star hotel in Rome. His guest was a Catholic cardinal accused of sexual abuse who rejects established climate science (Climatewire, May 10).

In April 2017, Pruitt planned to fly from his home in Tulsa, Okla., where he was staying for the weekend, to Florida to speak to the National Mining Association, according to the emails. He was due to speak at a luncheon and then in a private meeting with the executive committee. In attendance would be coal billionaire Joseph Craft III of Alliance Resource Partners LP, the emails show.

"The Administrator [will] not eat and he will probably only request coffee for the meeting with the Executive Committee," Hupp wrote.

In other emails, more time is spent on food and transparency than on media availability.

Pruitt traveled to the Toyota auto plant in Plano, Texas, in August. Toyota North America has pushed for weaker fuel efficiency standards. Pruitt has signaled that he would roll back the standards established under President Obama. The company wanted to host a casual lunch with Pruitt and company executives to discuss the standards.



Company representatives and EPA officials quickly agreed on the topics of discussion. They also expressed a mutual desire to exclude reporters from the tour.

A minor point of contention surfaced when Tate Bennett, an associate administrator at EPA, told Stephen Ciccone, a vice president for government affairs at Toyota North America, that Pruitt doesn't do working lunches if he is speaking.

Ciccone told her that company officials would dine after the administrator had departed.

"Our folks won't starve if they have to wait until 1PM for lunch," Ciccone wrote. "We just don't want to be rude hosts."

Then, Hupp told Ciccone that Pruitt would not be offended at the sight of others eating.

"The Administrator often will not eat at meetings but of course would take no offense to your bringing in lunch for the rest of the group," Hupp wrote. "We shall leave that up to you."

"We will hold off on food," Ciccone replied.

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### **Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/how-scott-pruitt-could-be-criminally-prosecuted-for-epa-scandals>

#### **How Scott Pruitt could be criminally prosecuted for EPA scandals**

By Josh Siegel, 6/11/18, 6:59 PM

Opening a criminal investigation against Environmental Protection Agency Administrator Scott Pruitt for several of his scandals would be doable, but tricky, legal experts say.

House Democrats on Friday requested the Justice Department and FBI open a criminal probe against Pruitt "for using taxpayer-funded resources for the personal gain of himself and his family."

Pruitt is facing at least 12 federal investigations into his spending and management of the EPA, focused on whether he violated federal government ethics rules.

But to open a criminal case, prosecutors would need to meet a higher standard, legal experts say.

"Democrats have upped the ante," said Charles Tiefer, a law professor at the University of Baltimore who served as solicitor and deputy general counsel in the House for 11 years. "A prosecutor is just not going to say, 'Did you use your office for private gain?' He will have to say, 'I need to look at your intent, I need to know who else you are working with, I need to see what their intent was, and are they willing to cooperate with me to make a criminal case,'" Tiefer told the Washington Examiner.

Six House Democrats, led by Rep. Don Beyer of Virginia, made the first formal referral to the Justice Department and FBI for a criminal investigation, saying Pruitt's conduct "may have crossed a line into criminal conduct punishable by fines or even time in prison."

Justice Department spokeswoman Sarah Isgur Flores confirmed receipt of the referral but would not comment further.

Active investigations against Pruitt are being conducted by the EPA's inspector general, congressional committees, and the White House, and focus on whether he has violated federal ethics regulations.

The roster of issues under investigation include Pruitt's \$50-per-night condo rental deal with the wife of an energy lobbyist who had business before the EPA, his spending of more than \$3.5 million on security, his \$43,000 secure phone booth, frequent first-class travel, and allegations that he retaliated against employees who questioned his judgment.

"The probes have been based on documented examples of Pruitt appearing to violate government ethics regulations," Kathleen Clark, a law professor at Washington University in St. Louis who focuses on government ethics law, told the Washington Examiner. "These include gift and impartiality regulations and a prohibition on using public office for private gain. Those are administrative regulations."

Serious new accusations surfaced last week involving Pruitt's use of public office for personal reasons.

Internal emails show that Pruitt assigned an EPA scheduler to arrange a meeting with the president of the fast-food company Chick-fil-A to discuss his wife becoming a franchise owner. His wife never opened a restaurant.

Pruitt also assigned staffers and his security detail to do personal errands for him during work hours, including trying to obtain a mattress for Pruitt from the Trump International Hotel, picking up his dry cleaning, and hunting down body lotion at the Ritz-Carlton hotel.

The EPA officials asked to do many of those tasks, Millan Hupp, director of scheduling, and her sister, Sydney, have since resigned. Millan also helped Pruitt search for housing in Washington.

Clark said the accusations, if proven, show Pruitt has violated federal ethics rules.

Federal rules say public officials cannot receive gifts from subordinates, including unpaid services. The rules also prevent them from using their office for private gain.

"If the allegations are true, Administrator Pruitt has somewhat systematically engaged in improperly using government resources for his own private gain," Clark said.

But it's less clear if he could be criminally prosecuted for those misdeeds.

"In directing a subordinate to engage in private rather than public work, it's conceivable that could be characterized as a theft of government services," Clark said. "He is accused of directing a federal official to do personal favors for him on government time. That sounds to me like theft."

But Clark acknowledged she doesn't know of any successful criminal prosecutions under that theory.

Tiefer said Pruitt's interactions with lobbyists in his official role as EPA administrator also could be a focus of a criminal investigation, depending on the details.

"To have criminal charges requires a strong showing about intent and about the other people like the lobbyist who he worked with on the condo," Tiefer said. "One way to investigate a criminal charge is to look for a conspiracy in the formal sense. If the lobbyist would say to authorities that he made the arrangements with Pruitt with the specific intent to work together for a common goal involving his public office."

The EPA's inspector general and the House Oversight Committee are investigating Pruitt's \$50-per-night condo lease with the wife of J. Steven Hart, who retired in April as chairman of the lobbying firm Williams & Jensen. Pruitt, from late February to early August of last year, paid \$50 per night for a single bedroom in the Capitol Hill condo. He was charged only for the nights he stayed there.

The lease originally had Hart's name printed on it as the landlord, but his name was crossed out and his wife Vicki's name was scribbled in with pen.

The EPA's ethics office determined the leasing arrangement did not violate federal gift rules because the rate was within "reasonable market value."

However, the top ethics official of the EPA, Kevin Minoli, later said he did not have all the facts when he ruled that the lease agreement reflected fair market value and did not violate federal gift rules.

He said he did not evaluate Hart's business interests, or his firm's, when making his determination that the condo was fair and not a gift.

The EPA has said that Hart did not lobby the agency while Pruitt lived in the condo.

But federal lobbying disclosures show Hart did seek help from the EPA while Pruitt rented the condo.

The filing shows Hart met with Pruitt on behalf of Smithfield Foods, the world's largest pork processor and hog producer, on issues "relating to support for EPA Chesapeake Bay programs."

Smithfield Foods and Hart deny the meeting was related to the food company.

In addition, Hart's firm represented a liquefied natural gas shipping company, Cheniere Energy, though the EPA was not lobbied.

Agency documents and interviews with former agency officials conducted by Congress have shown also that lobbyists and Republican donors helped plan some of the EPA head's foreign trips.

Tiefer said prosecutors could try to develop criminal charges using the "gratuities theory." That would require showing Pruitt intentionally received private gain, such as a favorable condo lease, because of an official government act.

Tiefer said that standard is easier to meet than proving evidence of a quid pro quo, in which a gift is provided to someone in advance, in exchange for a special service.

"It's much easier to prove a gratuities case than a bribery case because they don't have to show a quid pro quo," Tiefer said. "That is very hard to show. Here, they just have to say Pruitt did x, y, and z, and the lobbyist liked what he did and rented him the condo."

Legal experts say the Justice Department could wait for the results of the EPA inspector general's investigations and congressional probes before pursuing their own.

Inspector general's offices often include law enforcement officials, Tiefer said, so they are familiar with the process of referring their findings for criminal prosecution, if warranted.

If there is no referral to the Justice Department, the EPA's internal watchdog could recommend Pruitt receive employment-based discipline, such a letter of disapproval, a suspension, or administrative leave.

Congressional committees could make similar recommendations, hold hearings, or exact leverage in other ways, by withholding money from the EPA, for example, if lawmakers find Pruitt committed wrongdoing and are concerned about it.

But any consequence for Pruitt outside of being federally prosecuted would be determined by President Trump, who has stood steadfastly by his EPA leader.

"Ultimately it would be up to the appointing authority to decide whether to impose discipline if there is a violation," Clark said. "For Pruitt, that is the president. And this president has a record of tolerating ethics violations on the part of his appointees."

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**Washington Post**

[https://www.washingtonpost.com/news/made-by-history/wp/2018/06/12/why-scott-pruitt-has-survived-an-avalanche-of-scandals-and-why-his-survival-could-endanger-the-trump-administration/?utm\\_term=.6c6fd1a435b3](https://www.washingtonpost.com/news/made-by-history/wp/2018/06/12/why-scott-pruitt-has-survived-an-avalanche-of-scandals-and-why-his-survival-could-endanger-the-trump-administration/?utm_term=.6c6fd1a435b3)

**Why Scott Pruitt has survived an avalanche of scandals — and why his survival could endanger the Trump administration (\*Op-Ed)**

By Bryan Craig, 6/12/18

Environmental Protection Agency Administrator Scott Pruitt is engulfed by scandal. Each day seems to bring a new revelation. Last week, as several of his top aides departed the EPA, we learned that he treated government employees like a concierge-and-chauffeur service and used them to try to get his wife a Chick-fil-A franchise.

And yet Pruitt has so far survived the drip-drip of revelations because, in the mind of President Trump, environmental regulations are choking the economy, and Pruitt — with great effect — has become the principal person to roll them back. The president praised Pruitt as recently as last week.

While some of Pruitt's methods for abusing his power are new and unique, his tenure is reminiscent of one of the biggest political scandals in American history. In 1920, another Republican president, Warren G. Harding, was elected with a primary goal of reorganizing government to let businesses run unimpeded, part of a purported "return to normalcy." The result was the Teapot Dome scandal, the biggest presidential scandal until Watergate. It resulted in the first-ever indictment of a Cabinet-level official, Interior Secretary Albert B. Fall.

The Teapot Dome scandal reminds us what can happen when a president is indifferent to the dishonesty of an appointee who is effectively implementing the administration's agenda. While the administration may score short-term policy victories, not only is it tarnished by the ensuing scandals, but its agenda — in Harding's case, a vision of bolstering free enterprise by leasing land to major oil companies — also gets destroyed in the process.

Fall, a thin-skinned, ruthlessly partisan Republican senator from New Mexico, got his post because he earned Harding's trust as a campaign adviser and friend in the U.S. Senate. It proved to be an inauspicious choice.

At the time, the Republican Party was divided into factions. Progressives such as former president Theodore Roosevelt and his trusted ally, U.S. Forest Service Chief Gifford Pinchot, prioritized conservation when it came to public lands and natural resources. They were aligned against Fall's wing of the party, traditional conservatives who lacked this conservationist impulse and favored business interests.

Fall was a product of the Western frontier, and he made his money as a lawyer representing timber, mining and oil companies. The secretary also hated bureaucrats, because they slapped regulations onto industries that impeded jobs and development. His plan was to open every resource to exploitation, and it was an idea many New Mexicans supported.

With Harding's support, within months Fall successfully achieved what his predecessor couldn't: moving control of the U.S. Navy's oil reserves to the Interior Department.

Almost a year later, Fall took advantage of this new power. He leased the oil reserves at Teapot Dome in Wyoming to Harry Sinclair's Mammoth Oil Co. and the reserves at Elk Hills in California to Edward Doheny, an acquaintance of more than 30 years, of Pan American Petroleum and Transport Co.

The Harding administration saw this move through a lens of prosperity and national security. By 1920, the United States exported 80 percent of the world's oil. Domestic demand was growing as well, as the Navy converted its ships' engines from coal to oil and automobile ownership rose. But experts felt the existing U.S. oil reserves would be depleted in

roughly 10 to 20 years, making it vital, both for the economy and national security, to identify new ones, even on public lands.

Conservationists, however, were upset about the leases. Their ranks included senators such as the progressive Robert M. La Follette (R-Wis.), who quickly began to investigate on his own. As controversy kicked up, Harding wrote a letter to the Senate saying he approved the leasing policy. In doing so, the president personally — and unwittingly — linked himself to what would become a burgeoning scandal.

The leases fell under the jurisdiction of the Senate Public Lands and Surveys Committee, which launched an investigation. However, La Follette and the committee's top Democrat, Sen. John Kendrick (Wyo.), did not trust the Republican committee leaders to thoroughly investigate, so they proposed Sen. Thomas Walsh (D-Mont.) to run it. At this early stage, the Republicans weren't worried, and they agreed. Seen as a relentless prosecutor, Walsh also had three Republicans on the committee who were willing to defy the president because of previous fights with Harding over farm and labor policies.

The investigation revealed that Sinclair had invested in Fall's own New Mexico ranch and that Fall had received \$100,000 from Doheny. Fall said the money came from Ned McLean, owner of The Washington Post at the time. It was a lie. Then, switching stories, in January 1924, Doheny testified unpersuasively that it was a personal loan, not a bribe.

Echoing today's concerns about Pruitt, and in a larger sense, the swirling allegations of conflicts of interest surrounding Trump, senators began to wonder whether the loan and the ranch investment gave the oilmen an unfair advantage in securing the leases for the oil reserves. It created an untenable political mess.

Fall lasted less than a year after making the leases before he resigned in March 1923. He would later be convicted of bribery (totaling over \$400,000, about \$5.8 million in 2018 dollars) in 1931 and sentenced to one year in prison and a \$100,000 fine. The fine and lawyer fees bankrupted the former secretary, who felt the trial was a political vendetta.

The oil industry lobbyists also suffered. Sinclair got a six-month sentence for contempt of court. And while Doheny was never convicted, the Supreme Court ruled the leases were fraudulent, resulting in their cancellation, which cost the two men millions.

Although Harding was not personally involved in any facet of the scandal, so zealous was he to achieve his policy goals that he allowed his friends and ideological allies to tarnish his presidency and torpedo his agenda.

Harding died in 1923, and his successor, Calvin Coolidge, played it smart. He distanced himself from the Teapot Dome scandal by reversing the executive order that had handed control of the oil leases to the Interior Department. He also got ahead of the Senate by announcing an independent prosecutor, sending the whole thing to the courts, all before the Senate could act. While the leasing policy was efficient — and fit with the ideology of the Republicans running the government in the 1920s — because of Teapot Dome, it was scrapped for more than 15 years.

Trump should learn from this scandal. Like Harding before him, Trump is apparently willing to accept what critics say is a permissive culture of corruption, allowing his associates to enrich themselves and abuse their power in the name of policy wins. But Teapot Dome reveals that these policy wins may turn into losses if Pruitt crashes and burns, drawing negative attention to his initiatives and the broader effort to deregulate business. Beyond just policy, we must not forget about the need to appoint people with integrity, because it not only damages Trump's presidency but also our faith in democracy.

*Bryan Craig is a presidential historian at the University of Virginia.*

<http://dailycaller.com/2018/06/11/trump-epa-nyc-public-housing-fines/>

## **Trump's EPA Slaps NYC with Massive Fine for Unsanitary Public Housing**

By Tim Pearce, 6/11/18, 2:30 AM

New York City signed a settlement with the federal government Monday, agreeing to invest billions more in fixing the city's unsanitary public housing, according to the Environmental Protection Agency (EPA).

EPA Administrator Scott Pruitt, U.S. Attorney for the Southern District of New York Geoffrey Berman, Department of Housing and Urban Development (HUD) Secretary Ben Carson and Principal Deputy Inspector General Helen M. Albert jointly filed the settlement Monday, along with a complaint alleging the New York City Housing Authority (NYCHA) continually violated basic safety and sanitation standards in its public housing. The complaint alleges the NYCHA left housing in unsanitary conditions and lied to federal inspectors about its use of lead paint, which is toxic.

The settlement was reached by a consent decree in which New York City and the NYCHA agree to the terms of the settlement while not admitting guilt to the numerous charges and violations.

"Instead of protecting children from lead poisoning, NYCHA systematically violated EPA and HUD lead paint safety regulations and covered up its noncompliance," Pruitt said in a statement. "Today's landmark settlement puts a stop to that."

By the terms of the agreement, New York City will provide an additional \$1.2 billion to NYCHA over five years, and \$200 million every year after until the violations and problems are fixed.

The NYCHA is responsible for maintaining 176,000 apartments but has fallen behind on necessary repairs. Over the winter, 320,000 residents were without heat for a time when some of the NYCHA's boilers failed, The Wall Street Journal reported.

"This historic agreement marks a new era for New York City's public housing, one that puts families and their children first," Carson said in a statement. "New York City and New York State are making an unprecedented commitment to put NYCHA on a new path."

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## **Bloomberg**

<https://www.bloomberg.com/news/articles/2018-06-13/researchers-argue-proposed-epa-changes-could-cause-80-000-more-deaths-a-decade>

## **Researchers Argue Proposed EPA Changes Could Cause 80,000 More Deaths a Decade**

By Eric Roston, 6/13/18, 5:00 AM

Two Harvard social scientists, writing an opinion column in a prominent medical journal, have put forward "an extremely conservative estimate" that some 80,000 more Americans could die each decade if proposed changes at the U.S. Environmental Protection Agency are implemented. The essay, which was not a formal peer-reviewed study, has only added to the debate about how the agency utilizes scientific research.

David Cutler, a public-health economist, and Francesca Dominici, a biostatistician, looked at eight EPA policy actions that have been proposed or are in process—including rollbacks of Obama-era clean air, water and chemical rules—and tallied up the possible health impacts. "A central feature of [Trump's] agenda is environmental damage: making the air dirtier and exposing people to more toxic chemicals. The beneficiaries, in contrast, will be a relatively few well-connected companies," they wrote.

The essay appears as a "JAMA Forum" feature of the Journal of the American Medical Association, which allows researchers to offer individual perspectives on health and policy.

The EPA dismissed the essay as rhetoric, not research, in a statement provided to Bloomberg News.

"This is not a scientific article, it's a political article. The science is clear, under President Trump greenhouse gas emissions are down, Superfund sites are being cleaned up at a higher rate than under President Obama, and the federal government is investing more money to improve water infrastructure than ever before," the EPA said.

The agency did not respond to questions asking for additional supporting context for these assertions. In April, the EPA released data showing a decline in U.S. greenhouse gas emissions from the previous years. The data ended in 2016, before the start of the current administration.

Cutler defended the commentary, pointing out that the estimates are based on the EPA's own science, as presented in regulatory impact analyses. "If they don't like what their scientists say, they should provide scientific reasons for thinking so," he said.

That the essay is a commentary and not a peer-reviewed study makes it an easy mark for critics at a time when scientific rigor is a serious policy debate.

The essay "presents highly speculative estimates of health impacts that reflect guess-work and assumptions of unknown validity, not facts implied by available data," according to Tony Cox, president of a Denver-based applied research firm that specializes in health, safety and environmental risks. Similar fears led to emission-reduction policies in Ireland, that, a decade later, provided no significant reductions in death rates, he said.

Cox, who was appointed by EPA Administrator Scott Pruitt to sit on the agency's Science Advisory Board and to chair the Clean Air Scientific Advisory Committee, emphasized that he was speaking not for the agency, but on his own behalf.

C. Arden Pope, a Brigham Young University economist who has worked on some of the most influential air-pollution studies of the last 25 years, called the essay excellent and vouched for both "extremely knowledgeable" authors. He has collaborated with Dominici in the past, who he said "has a healthy understanding of the complexities" of making scientific data sets as transparent as possible.

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## **BNA**

[http://esweb.bna.com/eslw/display/no\\_alpha.adp?mode=si&frag\\_id=136191718&item=408&prod=deln&cat=AGENCY](http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=136191718&item=408&prod=deln&cat=AGENCY)

### **Environmental Cops Cracking Down on Car Emissions Cheating**

By David Schultz, 6/13/18

The country's top environmental cops are looking for more instances of vehicle emissions cheating in the wake of the Volkswagen scandal and they're finding it, the head of the EPA's criminal enforcement division said.

Finding instances of cars and trucks that have been doctored to pass emissions tests is now a top priority for agents, said Jessica Taylor, director of the Environmental Protection Agency's Criminal Investigation Division.

"We're finding that there's a lot of bandwidth among the criminals," she said at a June 12 District of Columbia Bar panel discussion.

Action on this issue came as recently as late last month, when prosecutors filed conspiracy charges against five men in Pennsylvania over an alleged emissions cheating scheme involving heavy-duty diesel trucks.

Volkswagen was the target of one of the largest enforcement actions from the EPA after the German automaker admitted installing software in some of its diesel cars that masked the amount of air pollution they spewed during emissions testing. The company agreed to a nearly \$15 billion settlement with the U.S. to resolve those violations.

The EPA's criminal enforcement division also is prioritizing childrens' products that contain unacceptable amounts of lead, as well as fraud in renewable fuels sales, Taylor said. In addition, illegal importation of pesticides into the country is another area that could see some activity soon, she said.

### **Law Enforcement Obstacles**

Taylor spoke at the panel alongside Deborah Harris, head of the environmental crimes section of the Justice Department. Both Harris and Taylor said one of their biggest obstacles is a lack of resources and staffing, which forces them to rely on the collaborations with other offices and even other agencies.

The EPA's criminal enforcement division has about 140 agents, down almost 20 percent over the past five years, according to Taylor.

Harris compared this number to the Netherlands, which she said has more than 400 dedicated environmental crimes agents for a country a fraction the size of the U.S. "It puts us to shame," she said.

One way to compensate for this lack of staffing is to rely on other law enforcement agencies, including the FBI, IRS, and state and local agencies, Taylor said. But few states devote many resources specifically to investigating environmental crimes, with only six states employing more than five criminal enforcement agents dedicated to pollution issues, she said.

"It's difficult at the state level when states have so few resources dedicated to it," Taylor said.

### **Trump Changes**

Since the Trump administration took office, the Department of Justice's leaders have made some policy changes that have had an impact on its environment division. One of the most significant was a [memo](#) from Attorney General Jeff Sessions last year that prohibited prosecutors from requiring those accused of committing crimes to make payments to a third party for additional environmental improvements.

There's an exception in this memo that allows prosecutors to require payments that clean up pollution directly caused by the crimes at issue, Harris said. This exception wasn't in the original draft version of the Sessions memo and Jeffrey Wood, acting head of the Justice Department's environmental division, had to fight to insert it, she said.

Overall, the types of restitution payments that prosecutors are demanding in environmental cases have become much narrower as they sort out how to implement the Sessions memo in the field, according to Harris.

While payments to nonprofits are no longer allowed, the department has determined that restitution to state or local governments, or to quasi-governmental organizations like the National Fish and Wildlife Foundation, is still permissible.

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### **The Hill**

<http://thehill.com/policy/energy-environment/391805-senate-panel-rejects-trumps-proposed-interior-epa-cuts>

### **Senate panel rejects Trump's proposed Interior, EPA cuts**

By Timothy Cama, 6/12/18, 10:32 AM



A Senate subcommittee moved Tuesday to advance a \$35.85 billion funding bill for the Interior Department and the Environmental Protection Agency (EPA), rejecting many of the proposed cuts that the Trump administration sought for both agencies.

The total proposed funding level for fiscal 2019 is 26.7 percent higher than what President Trump asked for in his budget proposal earlier this year, which was \$28.3 billion. It's about \$600 million higher than the funding Congress gave to the agencies for fiscal 2018.

The proposal gained recent bipartisan support in the Senate Appropriations Committee's subpanel with responsibility for Interior and EPA.

Sen. Lisa Murkowski (R-Alaska), the subpanel's chairwoman, said the bill rejects "unwarranted decreases proposed in the budget and [makes] investments in our highest priorities, especially infrastructure investment for the land management agencies, Indian country and wastewater and drinking water improvements."

Sen. Tom Udall (N.M.), the panel's top Democrat, said he was able to support the bill that he and Murkowski wrote because of the major budget agreement that Congress and Trump reached earlier this year.

"That allowed us to provide targeted but important increases to programs funded by this bill and to reject the administration's unjustifiable cuts to Indian education and healthcare and EPA's bedrock environmental enforcement functions, as well as its proposal to eliminate the Land and Water Conservation Fund and hemorrhage many of our national cultural institutions."

The EPA's funding would be \$8.82 billion, the same as fiscal 2018. Trump had sought a cut to \$6.1 billion.

The National Park Service would get \$3.2 billion, \$513 million higher than what Trump wanted.

Importantly, the bill has no policy provisions, except ones that were in previous legislation that made it through Congress.

"We have assembled a package that both sides can support in committee, with the ultimate goal of taking the bill to the Senate floor," Murkowski said.

But Udall was not able to insert a provision he wanted to increase penalties for federal employees who violate ethical standards.

"I intend to continue to working on this issue, because I'm frankly appalled at the level of ethics scandals plaguing this administration, especially the EPA," he said, referring to the string of scandals involving EPA Administrator Scott Pruitt, including allegations of improper dealings with lobbyists.

As is the standard practice in the Senate Appropriations Committee, the panel did not release the full text or details of the bill Tuesday; that will likely happen Thursday after the full committee votes on it.

The subcommittee also did not conduct a formal vote on the bill, another standard Appropriations Committee practice.

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## **Politico**

<https://subscriber.politicopro.com/energy/whiteboard/2018/06/court-orders-epa-to-issue-good-neighbor-ozone-plans-by-december-1403496>

### **Court orders EPA to issue 'good neighbor' ozone plans by December**

By Alex Guillen, 6/13/18, 11:17 AM

A federal judge has ordered EPA to issue federal implementation plans to curb cross-state ozone pollution from five states by December.

The five states — Illinois, Michigan, Pennsylvania, Virginia and West Virginia — never submitted their own plans under the 2008 ozone rule to address emissions that float downwind and hurt other states' air quality, known as the “good neighbor” provision. EPA thus faced an August 2017 deadline to issue FIPs for those states.

But the agency “plainly” missed that deadline, Judge John Koeltl of the U.S. District Court for Southern New York said in his ruling, dated Tuesday.

Koeltl ordered EPA to stick to a tight timeline on the FIPs, saying the agency must sign and publicly release the five proposals by June 29, and publish the final plans by Dec. 6. EPA Administrator Scott Pruitt has criticized the Obama administration for issuing too many FIPs instead of giving states more time and flexibility to meet pollution standards. But EPA told the court it can meet the deadlines Koeltl set, according to the judge's order.

The lawsuit was brought by New York and Connecticut, which said their air quality is affected by the states upwind emissions.

WHAT'S NEXT: The judge ordered EPA to sign and publicly release the five proposals by June 29, and publish the final plans by Dec. 6.

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## Reuters

<https://www.reuters.com/article/us-new-york-epa/u-s-judge-orders-epa-to-limit-pollution-into-new-york-connecticut-idUSKBN1J92A0>

### **U.S. judge orders EPA to limit pollution into New York, Connecticut**

By Jonathan Stempel, 6/13/18, 11:51 AM

NEW YORK (Reuters) - A federal judge on Wednesday ordered the U.S. Environmental Protection Agency to take steps to curb ozone pollution that blows into New York and Connecticut from five other states.

The decision by U.S. District Judge John Koeltl in Manhattan is a victory for New York's and Connecticut's attorneys general, Barbara Underwood and George Jepsen.

Their offices sued EPA administrator Scott Pruitt in January, accusing him of ignoring his responsibilities under the federal Clean Air Act to reduce pollution.

Koeltl said the EPA acknowledged having missed an August 2017 deadline to arrange plans to reduce smog from Illinois, Michigan, Pennsylvania, Virginia and West Virginia that travels eastward into New York and Connecticut.

Those plans had been required under the “Good Neighbor” provision of the Clean Air Act. Koeltl set a December 6 deadline for compliance.

“Given the prior violations of the statutory deadline by the EPA, it is a reasonable exercise of the court's equitable powers to require the EPA to do the minimal tasks it has agreed it can do to remedy its past violation of the statute,” Koeltl wrote.

An EPA spokeswoman said the agency intends to propose this month, and make final by December, “an action that will address any remaining good neighbor obligations related to the 2008 ozone standard for these and other states.”

Ozone is a colorless gas that can be created when pollutants react to sunlight. It has been linked to asthma, bronchitis, heart disease and other health problems.

Underwood's predecessor, Eric Schneiderman, had been a vocal critic of the EPA and the Trump administration prior to his resignation last month.

"As many as two in three New Yorkers are breathing unhealthy levels of smog," Underwood said in a statement. "The court's decision is a major win for New Yorkers and our public health, forcing the Trump EPA to follow the law."

Jepsen, in a separate statement, said he was gratified by the decision, and plans to keep working with New York to hold the EPA accountable when it ignores its legal obligations.

The case is New York et al v Pruitt, U.S. District Court, Southern District of New York, No. 18-00406.

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#### **AP**

<https://apnews.com/9830b6e60a054d8ba5ef22306a30b8e1/Lake-Superior-dredging-project-delayed-until-at-least-fall>

#### **Lake Superior dredging project delayed until at least fall**

6/12/18

GAY, Mich. (AP) — A dredging project in Grand Traverse Bay Harbor in Michigan's Upper Peninsula has been delayed due to permit and contracting issues.

The Michigan Department of Natural Resources says dredging expected to start this spring will be postponed until at least fall. It's part of efforts to save Buffalo Reef off Gay, northwest of Marquette.

The U.S. Environmental Protection Agency provided \$3 million to the U.S. Army Corps of Engineers for the project. But permits and paperwork are being reworked over concerns including dredging natural sands versus so-called stamp sands from an underwater trough.

Stamp sands created in the early 1900s as a byproduct of copper processing at two mills threaten to cover the natural fish-spawning reef and beaches. The coarse black sands have drifted after being dumped into Lake Superior.

**From:** POLITICO Pro Energy [politicoemail@politicopro.com]  
**Sent:** 4/26/2018 9:44:09 AM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** Morning Energy: Pruitt steps up to the plate — Tester's 'great equalizer' — Bishop still talking NEPA

By Kelsey Tamborrino | 04/26/2018 05:42 AM EDT

*With help from Anthony Adragna*

**PRUITT STEPS UP TO THE PLATE:** Scott Pruitt makes his eagerly anticipated trip to the Hill this morning, and the stakes couldn't be higher for the embattled EPA administrator. His appearances before the House E&C Committee in the morning and Appropriations panel in the afternoon — ostensibly to defend the Trump administration's proposed cuts to EPA's budget — will give lawmakers their first opportunity to directly question Pruitt since the news broke about his heavy spending, sweetheart condo rental, VIP security and first-class flights. And while both Democrats and Republicans are expected to pull no punches as they weigh Pruitt's behavior, the real audience will be sitting in 1600 Pennsylvania Ave.

**Check out this graphic breakdown** of Pruitt's problems by POLITICO's Emily Holden, Alex Guillén and your ME host.

— **The administrator has kept a low profile** in the lead-up to today's events — even leaving press out of a Tuesday announcement on his plan to ban secret science — but expect the cameras to be out in force this morning. ME breaks down what to expect today as Pruitt heads for the batter's box. (ME is also taking suggestions for an appropriate walk-up song. One option here.)

**THE GAME PLAN:** Pruitt will point out he now flies coach when he travels, and shift the blame to staffers for the raises given to two of his close aides, according to a talking points document — dubbed "hot topics" — obtained by The New York Times. He will likely also say officials who were reassigned or demoted after challenging his spending all had performance issues.

— **EPA did not dispute the authenticity** of the Times document, but spokesman Jahan Wilcox said Pruitt would tout "the accomplishments of President Trump's EPA," including "working to repeal Obama's Clean Power Plan and Waters of the United States, providing regulatory certainty, and declaring a war on lead — all while returning to Reagan-era staffing levels." You can read Pruitt's full opening statement for the E&C hearing here.

**DEMOCRATS WILL SEARCH FOR ANSWERS:** The afternoon session is expected to dive into Pruitt's proposed deep cuts to the agency's budget and his deregulatory actions, but that doesn't mean Democrats will ignore the ethics woes dogging the embattled chief. "Administrator Pruitt, you are letting the American people and your agency down," Rep. Betty McCollum, ranking member of the Appropriations subpanel, plans to say. Democrat Nita Lowey, the ranking House appropriator, will question Pruitt on the Antideficiency Act after the Government Accountability Office found EPA illegally failed to notify Congress about the cost of his secure phone booth. Meanwhile, E&C's top Democrat Frank Pallone wouldn't tip his hand: "I just hope he shows up," he said when ME asked for his plan of attack.

— **House Energy and Commerce Democrats** will hold a news conference at 9 a.m. to once again call for Pruitt's ouster. Kathy Castor and Paul Tonko will attend, alongside representatives from numerous green groups.

**REPUBLICANS OFFER SOME ADVICE:** "Answer the questions and stay calm," John Shimkus said. "And the time will eventually end." The Illinois Republican didn't let on about his line of questions to Pruitt, but added: "It's not going to all be addressing stewardship issues. There are going to be policy questions."

— **Fellow Oklahoman and member of the Approps committee** Tom Cole expects the "highly charged" hearing to contain some "pretty much straight budget questions" — at least from the Republican side. Cole said he recently spoke to Pruitt on the upcoming hearing and warned him it would be "rugged."

**Keep in mind:** None of the committee Republicans said they'd been in contact with the White House ahead of the session. Shimkus said the Republicans hadn't huddled ahead of time to develop a game plan as they sometimes do with high-profile hearings. And Democrats are expected to turn out in force — E&C members not on the Environment subpanel will "waive in" to the hearing. They don't need GOP permission to do so, but will have to wait until all subcommittee members participate before asking questions. ME would look here for especially fiery questions or any surprises.

**STRIKE 3?** Pruitt's critical audience, of course, will be President Donald Trump, who has so far stuck by him, but is expected to judge how Pruitt fares in front of the cameras, POLITICO's Anthony Adragna and Nancy Cook report. So far, Pruitt's support among Trump's conservative backers has kept him on solid ground, despite the growing resentment of a "high maintenance" EPA chief among White House officials. "The president is always nervous about offending his base, and Pruitt has real support in the base," said one Republican close to the White House. "If that base diminishes, he does not have a chance of being reelected. He generally likes what Pruitt is doing over there, but he has no relationship with Pruitt of any note. He could get someone else."

**IN THE OUTFIELD:** Environmental group Defend Our Future will hand out first-class boarding passes today at the Pruitt hearing, while Moms Clean Air Force will deliver these report cards. And the League of Conservation Voters and its state partners will launch television ads today urging Sens. Dean Heller and Cory Gardner to hold Pruitt accountable. Watch them here and here.

**If you go:** The E&C hearing will begin at 10 a.m. in 2323 Rayburn, and the Appropriations hearing at 2 p.m. in 2007 Rayburn. Watch the livestreams here and here.

**IT'S THURSDAY!** I'm your host Kelsey Tamborrino, and the American Petroleum Institute's Jeff Stein was the first to name Khartoum, Sudan — the capital city where the Blue and White Niles meet to form the Nile. For today: Name the state where the first officially designated Democratic floor leader hailed. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning\_Energy and @POLITICOPro.

**POLITICO's Ben White is bringing Morning Money** to the Milken Institute Global Conference to provide coverage of the day's events and evening happenings. The newsletter will run April 29 - May 2. Sign up to keep up with your daily conference coverage.

**PUBLIC LANDS CRUCIAL FOR TESTER:** Democratic Sen. Jon Tester's bid for reelection could come down to how he handles public lands issues, Pro's Kevin Robillard reports. Close to one-third of the land in Tester's home state of Montana is under federal government ownership, and the Democratic senator hopes to use it to keep on board those who voted Trump — including hunters, hikers, snowmobilers and ranchers. "Public lands is one of the great equalizers. It's part of who we are," Democratic Gov. Steve Bullock told Kevin. "It doesn't matter what our political beliefs are, it's a core part of our lives."

**Tester's strategy is part of a larger effort by Democrats** in the West to emphasize lands. Bullock emphasized it in his reelection bid in 2016 and New Mexico Sen. Martin Heinrich, who is expected to easily win reelection in 2018, started his reelection bid with a video focused heavily on public lands issues. And Democratic strategists think it can help them in states throughout the interior west. "There a lot of people here who are

single-issue voters, and that issue is public lands," said Nick Gevock, the conservation director at the Montana Wildlife Federation. Read [more](#).

**DEMOCRATS CALL FOR SPECIAL COUNSEL:** In a letter Wednesday to the U.S. Office of Special Counsel, Pallone and Oversight ranking member [Elijah Cummings](#) requested an investigation into whether there is a pattern of problematic personnel practices at EPA. The Democrats point to recent reports of agency officials being reassigned, demoted or requesting new roles, after voicing concerns on Pruitt. "The reassignment or dismissal of employees who questioned Administrator Pruitt's wasteful and potentially unlawful expenditures suggests a troubling pattern of retaliation against EPA employees that may be illegal," they write. Read the letter [here](#).

**BISHOP STILL TALKING NEPA:** House Natural Resources Chairman [Rob Bishop](#) told ME he's been in contact with administration officials "over the last few weeks" about a series of modifications to NEPA that he says "run the gamut." His two overarching goals are to speed the permitting process and to enact categorical exclusions that will limit litigation to allow projects to advance more quickly. "It's one of the consistent problems they recognize," he said of the administration's engagement on NEPA.

**Apples to oranges:** Controversy over [\\$139,000 spent on doors](#) at Interior is not comparable to spending woes engulfing Pruitt, according to Bishop. "There are some real issues and there are some issues that we play around with," he said. "This is one I think people are playing with." Interior officials said previously that career facilities and security officials recommended the work and that Secretary Ryan Zinke was not aware of it.

**THAT DAM BILL:** The House passed a heavily watched measure, [H.R. 3144 \(115\)](#), Wednesday that would override a court decision requiring changes in the operations of major hydropower dams in the Pacific Northwest to help protect endangered salmon. The measure, from Washington Rep. [Cathy McMorris Rodgers](#), passed by a nearly party-line vote of 225-189, and now heads to the Senate, where some of the region's Democratic senators have [made known](#) their opposition. Pro's Annie Snider breaks down more [here](#).

**REFINERY WORKERS HIT THE HILL:** Close to 100 workers from refineries Monroe Energy, Philadelphia Energy Solutions and PBF Energy will rally for their jobs and Renewable Fuel Standard reform on the Hill today, the United Steelworkers said. The rally begins at 1 p.m. in the "Senate Swamp" — the grass across the drive from the east Senate steps. Texas Sen. [Ted Cruz](#) will participate in a press conference with the workers at the same time. Watch the livestream [here](#).

**OFF-SHORE UP SUPPORT:** While it didn't have quite the same build-up as Pruitt's hearings this morning, the House Natural Resources energy and mineral resources subcommittee will hold a hearing today on offshore energy revenue sharing for Gulf-producing states, with a focus on the Gulf of Mexico Energy Security Act. Democrats intend to call out the oil and gas industry and demand they take responsibility for their role in causing the destruction of Louisiana wetlands, according to a release. Former Sen. Mary Landrieu (D-La.), now a senior policy adviser at Van Ness Feldman, and John Barry, former board member of the Southeast Louisiana Flood Protection Authority — East, will testify, among others. **If you go:** The [hearing](#) begins at 10 a.m. in 1324 Longworth.

**GET YOUR COMMENTS IN:** [Comments](#) are due today on EPA's proposed repeal of the Clean Power Plan. The Competitive Enterprise Institute, for one, will file a comment today in support of the proposed repeal, calling the CPP "unlawful." Close to 20 other individuals from free-market groups signed onto the joint comment. Google, meanwhile, submitted its own comment Wednesday "respectfully" urging EPA to forgo the repeal. "Google continues to believe that the Clean Power Plan aligns with overall electricity sector trends and the specific goals of our company," [it says](#). The Natural Resources Defense Council and NRDC Action Fund said it generated 208,000 comments in support of keeping the CPP.

**MAIL CALL! IN THE AIR TONIGHT:** California Sen. [Dianne Feinstein](#) wrote to Transportation Secretary Elaine Chao Wednesday, calling on her to maintain national fuel economy standards set by California under the Clean Air Act. "I ask for your commitment to maintain the Corporate Average Fuel Economy standards at the maximum feasible level, as required by law, and to seek consensus with California so that we can continue to enjoy the success of a coordinated national program to improve fuel economy," Feinstein wrote. Read the letter [here](#).

— **Eighty-seven lawmakers signed onto a letter Wednesday** that calls on Pruitt to reinstate the "once in, always in" [policy](#) to "safeguard" from harmful air pollutants. "This is a matter of critical human health and safety," the lawmakers write. Read it [here](#).

**GoT RENEWABLES?** Rapper Kanye West [tweeted](#) about his connection to Trump and their "dragon energy" on Wednesday. "We are both dragon energy. He is my brother. I love everyone. I don't agree with everything anyone does." Spoiler: It's not an energy company we forgot to tell you about. Bloomberg breaks it down [here](#), but earlier in the day, West described dragon energy as, "Natural born leaders Very instinctive Great foresight." The House Natural Resources [account tweeted](#) the exchange telling West to "have your people call our people."

## QUICK HITS

— Behind the scenes of Pruitt's Nevada trip, [E&E News](#).

— U.S. mine safety agency website 'hacked,' remains down, [S&P Global](#).

— Exxon Mobil boosts quarterly dividend to 82 cents, [Reuters](#).

— Climate change could make thousands of tropical islands "uninhabitable" in coming decades, new study says, [The Washington Post](#).

— Memo: Park Police officers were forbidden from wearing body cameras, [The Hill](#).

— Perry's son owns an energy investment company. Is that a problem? [McClatchy](#).

## HAPPENING TODAY

8:00 a.m. — Water Leaders [summit](#) on "Building an Innovative Future for Water Policy and Technology in America," 215 Capitol Visitors Center

8:30 a.m. — George Mason University's Center for Energy Science and Policy [symposium](#) on "Energy-Water Nexus," Fairfax, Va.

9:00 a.m. — Colorado State University hosts [symposium](#) on "Water in the West," Denver

10:00 a.m. — The U.S. Energy Association [forum](#) on "fostering the deployment of CCUS technologies," 1300 Pennsylvania Ave NW

10:00 a.m. — The House Energy and Commerce Committee [hearing](#) on EPA's budget request, 2323 Rayburn

10:00 a.m. — House Science Environment and Space subcommittees [hearing](#) on "Surveying the Space Weather Landscape," 2318 Rayburn

10:00 a.m. — House Natural Resources Oversight Subcommittee hearing on "Examining the Critical Importance of Offshore Energy Revenue Sharing for Gulf Producing States," 1324 Longworth

10:00 a.m. — The Center for Strategic and International Studies' Energy and National Security Program discussion on "Challenges to Ukrainian Energy Reform and European Energy Security," 1616 Rhode Island Avenue NW

11:30 a.m. — The Atlantic Council discussion on "From an Oil Company to an Energy Company," 1030 15th Street NW

1:00 p.m. — Monroe Energy, Philadelphia Energy Solutions and PBF Energy news conference on RINs prices under the Renewable Fuel Standard, Capitol.

1:30 p.m. — Information Technology and Innovation Foundation release on "Closing the Innovation Gap in Grid-Scale Energy Storage," 1101 K Street NW

2:00 p.m. — House Appropriations Interior, Environment, and Related Agencies Subcommittee hearing on EPA's fiscal 2019 budget, 2007 Rayburn

2:00 p.m. — House Natural Resources Committee hearing on H.R. 5317 (115) and H.R. 211 (115), 1324 Longworth

2:00 p.m. — Senate Appropriations Energy and Water Development Subcommittee hearing on the Nuclear Regulatory Commission's proposed budget for FY 2019, 430 Dirksen

2:30 p.m. — The Center for a New American Security discussion on "Geopolitical Risks and Opportunities of the Lower Oil Price Era," 1152 15th Street NW

3:00 p.m. — Rep. Nydia Velázquez discussion on "21st Century Energy Solutions for Puerto Rico," S-115

5:00 p.m. — The Atlantic Council discussion on "Investing in Iraq: Reconstruction and the Role of the Energy Sector," 1030 15th Street NW

6:30 p.m. — Wild & Scenic Film Festival with screenings of feature films that cover topics from climate change to environmental justice, and a panel discussion on women in the outdoors, 1307 L Street NW

**THAT'S ALL FOR ME!**

*To view online:*

<https://www.politicopro.com/newsletters/morning-energy/2018/04/pruitt-steps-up-to-the-plate-183688>

**Stories from POLITICO Pro**

**Pruitt scales back EPA's use of science** Back

By Emily Holden and Annie Snider | 04/24/2018 03:17 PM EDT

Environmental Protection Agency chief Scott Pruitt announced Tuesday he would seek to bar the agency from relying on studies that don't publicly disclose all their data, a major policy change that has long been sought by conservatives that will sharply reduce the research the agency can rely on when crafting new regulations.



The unveiling of the proposed rule delivers a win to Republicans like House Science Chairman Lamar Smith (R-Texas), who unsuccessfully pushed legislation to impose the same type of change. The move also demonstrates Pruitt's persistence in pursuing President Donald Trump's anti-regulation agenda just two days before the embattled EPA chief is due to face fierce questioning from lawmakers about his hefty spending, expanded security detail and cheap condominium rental from the wife of an energy lobbyist.

At an invitation-only meeting at EPA headquarters with Smith, Sen. Mike Rounds (R-S.D.) and other supporters of the policy, Pruitt said the proposed rule was critical in ensuring that the agency was transparent about how it is making decisions to justify costly new regulations. It is the latest step Pruitt has taken to fundamentally shift the agency's approach to science.

"It is a codification of an approach that says as we do our business at the agency the science that we use is going to be transparent, it's going to be reproducible, it's going to be able to be analyzed by those in the marketplace. And those who watch what we do can make informed decisions about whether we've drawn the proper conclusions or not," Pruitt said.

Text of the proposed rule was not immediately available.

The proposal, based on legislation pushed by Smith, is intensely controversial, and scientists and public health groups say it will prevent federal regulators from enacting health and safety protections. Nearly 1,000 scientists, including former EPA career staffers, signed a letter opposing the policy sent by the Union of Concerned Scientists to Pruitt on Monday.

Their primary concern was that many of the country's bedrock air and water quality regulations are based on research that cannot disclose raw data because it includes the personal health information.

But industry has its own version of the same problem. EPA often relies on industry studies that are considered by companies to be confidential business information when determining whether new pesticides and toxic chemicals are safe to use. Internal EPA emails obtained under the Freedom of Information Act show that EPA political officials, including Nancy Beck, who became the chief of the agency's chemical safety office last year after working for years at a chemical industry lobbying group, worried that the new policy would limit the agency's ability to consider industry data or would force companies to make this proprietary data public.

"We will need to thread this one real tight!" Richard Yamada, political official who led work on the new policy wrote to Beck after she raised the concerns.

It was not immediately clear if the new proposed rule included measures to address those concerns.

Rush Holt, CEO of the American Association for the Advancement of Science, said Pruitt's changes could keep the agency from revising public health regulations as problems arise or new data comes to light.

"On the surface it sounds so innocuous or even beneficial. What could be wrong with transparency? Well it's clear to me that this is not based on an effort to be transparent. It is rather based on an effort to be just the opposite," he said.

"EPA is particularly important because when science is misused, people die," he added.

Pruitt has been discussing the new scientific policy publicly for weeks, but it only went to the White House for interagency review last week. Such swift review is very rare for the Office of Management and Budget, which often takes months to vet a new policy. At least one group, the Environmental Defense Fund, has requested a meeting with OMB officials to discuss the rule, but OMB's website shows that no meetings have been scheduled with interested groups.

Many public health studies can't be replicated without exposing people to contaminants, and environmental disasters such as the Deepwater Horizon oil spill cannot be recreated, the group said, raising intellectual property, proprietary and privacy concerns.

Pruitt's predecessor Gina McCarthy, and her air chief Janet McCabe, in an op-ed in The New York Times in March said concerns about studies are dealt with through the existing peer-review process, which ensures scientific integrity.

"[Pruitt] and some conservative members of Congress are setting up a nonexistent problem in order to prevent the E.P.A. from using the best available science," they said.

*To view online [click here.](#)*

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### **Report: Pruitt plans to shift blame for scandals [Back](#)**

By Emily Holden | 04/25/2018 01:55 PM EDT

EPA chief Scott Pruitt will seek to shift the blame for some of his ethics controversies by blaming his staff when he testifies at two House hearings Thursday, according to an internal EPA document reviewed by The New York Times.

Pruitt is prepared to say that he now flies coach rather than first-class, that staffers were responsible for large raises given to close aides without White House sign-off and that officials who were reportedly sidelined for questioning his behavior had performance issues, according to the Times.

The defenses are in line with what Pruitt and EPA spokespeople have said in recent months.

EPA did not dispute the authenticity of the document, but spokesman Jahan Wilcox said Pruitt would tout "the accomplishments of President [Donald] Trump's EPA," including "working to repeal Obama's Clean Power Plan and Waters of the United States, providing regulatory certainty, and declaring a war on lead — all while returning to Reagan-era staffing levels."

Pruitt is expected to face questions about his bargain condo rental from the wife of a lobbyist who has since resigned from his firm, his spending on a round-the-clock security detail and his previous refusal to fly coach. He is under investigation by three congressional committees, the EPA's inspector general and the GAO, among other oversight bodies. White House deputy press secretary Hogan Gidley told NPR today that Pruitt will have to answer questions about the potential ethics violations "in short order."

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### **'It could be pretty painful' when Pruitt faces Congress [Back](#)**

By Anthony Adragna and Nancy Cook | 04/25/2018 06:00 PM EDT

When Scott Pruitt returns to Capitol Hill on Thursday, he will find few friends ready to greet him — and an audience of one waiting to determine his fate.

Republicans say they aren't going to give the Environmental Protection Agency chief a free pass on accusations of lavish spending, a sweetheart condo lease and luxe air travel during a pair of high-stakes hearings. Since Pruitt's previous appearance on Capitol Hill in January, he has faced an avalanche of damaging headlines and investigations that have alienated much of the White House and raised questions about his future leading the agency.

President Donald Trump has so far stuck by Pruitt. But the biggest test for the media-obsessed president may be how Pruitt fares in front of the cameras — only three weeks after he drew poor reviews for a combative interview with Fox News' Ed Henry.

House Energy and Commerce Chairman Greg Walden (R-Ore.) said Pruitt will receive a "cordial reception, but he's got some tough questions to answer."

Rep. John Shimkus (R-Ill.), whose subcommittee will be Pruitt's first stop Thursday, said the administrator should expect a "cool" reception from Republicans — who still strongly support his work to pare back EPA rules.

"It could be pretty painful, but when you accept the position of a senior administrator in a federal agency you've got to expect [that]," Shimkus, who chairs the Energy and Commerce Environment Subcommittee, told Politico. "You've just to grin and bear it and get through it."

Pruitt has few allies left in the White House, apart from the president himself. Senior administration aides characterized the hearings as potential make-or-break moments for Pruitt but said it's ultimately up to the president as to whether the White House wants to tolerate Pruitt's bad press.

Trump is largely keeping Pruitt around because he appreciates Pruitt's hard-charging agenda and because the White House does not want to go through another bruising confirmation battle over another Republican to lead EPA, according to senior administration officials and Republicans close to the White House. Already the White House expended great political energy this week on its pick for secretary of state, Mike Pompeo, a former congressman whom the White House views as eminently qualified but who is barely expected to squeak through the Senate confirmation process.

Most important, the president fears that dumping Pruitt would anger conservatives.

"The president is always nervous about offending his base, and Pruitt has real support in the base," said one Republican close to the White House. "If that base diminishes, he does not have a chance of being reelected. He generally likes what Pruitt is doing over there, but he has no relationship with Pruitt of any note. He could get someone else."

When asked at the White House briefing on Wednesday about Pruitt's spending and potential ethical violations, press secretary Sarah Huckabee Sanders would only say: "We are evaluating these concerns, and we expect the EPA administrator to answer for them."

Pruitt's waning support among White House aides has been months in the making. And at this point, many administration officials say they are tired of the terrible headlines and consider the allegations about Pruitt a nonstop swirl of distractions. It's not just Pruitt's handling of the questions that has irked White House officials but the facts themselves about the way he's led the EPA and run his own staff.

Over the past year, Pruitt has also alienated members of the communications team, National Economic Council, and Cabinet Affairs in various fights over policy like the Paris climate deal, messaging over policy rollouts, and spending decisions at the EPA. Another Republican close to the White House said Pruitt has earned a reputation among White House aides as "high maintenance."

The White House was not involved in helping to prepare Pruitt for the two Hill hearings on Thursday.

Shimkus predicted the toughest questions would come from the other side of the aisle.

"We need to make sure that we understand and recognize the valid, valid concerns that are out there on policy and administrative activity," he said. "But I don't think we'll be gouging his eyes out either — I think we'll have other folks that'll do that."

Some Pruitt supporters say he should be judged on his overall tenure.

"It should be based on his past performance, not necessarily standing in front of a microphone," House Natural Resources Chairman Rob Bishop (R-Utah) said. Bishop's committee does not have jurisdiction over EPA, but he has been a strong supporter of Pruitt's policy goals.

In his opening statement released ahead of the hearing, Pruitt will sidestep any discussion of the latest controversies, instead focusing on policy goals like Superfund cleanups and working more closely with states. "I will focus on key objectives to improve air quality, provide for clean and safe water, revitalize land and prevent contamination, ensure the safety of chemicals in the marketplace, assure compliance with the law, and improve efficiency and effectiveness," Pruitt will say in his prepared remarks.

Democrats are expected to tie the scandals facing Pruitt to his aggressive deregulatory push and proposal to slash EPA's budget by more than a quarter — which they see as just as worrisome as his alleged ethical improprieties. Multiple aides said there's such strong interest in the session that committee Democrats not on the Environment Subcommittee plan to participate, which does not require signoff from the majority.

"There's a confluence of concerns here that I think the Democrats are going to want to get answers to," Rep. Paul Tonko of New York, top Democrat on the panel, told POLITICO. "We were concerned yesterday, we're concerned today and we'll be concerned tomorrow if he's there."

There will be no shortage of things to ask him about, including the more than \$105,000 the agency has spent on his first-class flights, lavish spending on a \$43,000 soundproof phone booth and round-the-clock security, a cushy \$50-per-night condo lease from a Washington lobbyist who personally met with Pruitt to discuss the agency's Chesapeake Bay work, and a trip to Morocco in December on which he spent time promoting liquefied natural gas exports — a topic that isn't part of his agency's portfolio. Pruitt is also facing scrutiny over the significant pay raises the agency gave to a handful of his longtime aides from Oklahoma despite the White House's objections.

Federal watchdogs, the agency's inspector general, congressional investigators and the White House have launched more than a dozen investigations into various aspects of Pruitt's conduct.

But Rep. Joe Barton (R-Texas), the longest-serving member of Energy and Commerce, said Pruitt's ethics issues are "not the purpose of the hearing" and suggested many Republicans would come to the administrator's defense. However, he said the panel's GOP members have not met in advance to plot strategy.

"He's had a lot of death threats. I don't have a problem with his security costs," Barton said Wednesday. "I don't really have a major problem with his telecommunications setup. It's a difficult job to be the EPA administrator when you're a Republican."

Still, signs are increasing of weariness toward Pruitt among congressional Republicans. Three senior Senate Environment and Public Works Committee Republicans, including his staunch ally Sen. Jim Inhofe (R-Okla.), called for hearings into Pruitt's behavior earlier this week. Four House Republicans have called for his resignation. And EPW Chairman John Barrasso (R-Wyo.) said he has "serious questions" about Pruitt's spending and pledged to send additional oversight letters.

"He'll need to acquit himself well," Sen. John Thune, the No. 3 Republican in the Senate, said when asked about how important the sessions will be for Pruitt's future in the administration.

An aide to Rep. Betty McCollum of Minnesota, top Democrat on the House Appropriations Interior and Environment Subcommittee, where Pruitt will appear Thursday afternoon, told POLITICO their hearing would likely focus more on Pruitt's proposed cuts to nearly a quarter of the agency's budget and regulatory rollbacks.

"I expect the E&C hearing will have a greater focus on the ethical concerns surrounding Pruitt," the aide said.

Some Democrats on Energy and Commerce acknowledge Pruitt has in the past performed well in congressional hearings, which they said could allow him to respond to some of the charges.

"If Mr. Trump is going to look for a good performance, I bet he'll put up a great performance," said Rep. Scott Peters (D-Calif.), another member of the subpanel. "But if he doesn't address the substance of the ethical and environmental challenges, I hope that they would think about finding someone else."

Other Democrats think Pruitt's main goal will be to avoid a major gaffe but they don't see any way he will emerge from the hearing in a significantly strengthened position.

"One or two of these transgressions would be survivable but there are so many scandals that it's really hard for me to imagine that Republicans want to lower the bar this much," said Sen. Brian Schatz (D-Hawaii), an outspoken Pruitt critic. "It is actually beyond me why they're sticking by him."

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**Tester leans on public lands as key reelection issue** [Back](#)

By Kevin Robillard | 04/26/2018 05:05 AM EDT

HELENA, Mont. — The issue that could prove key to Democratic Sen. Jon Tester's reelection bid is under the radar in Washington politics but practically ever-present in Montana life.

Nearly a third of the land in Montana is under federal government ownership, and Tester wants to keep it that way. It's a way the Democratic senator, who is running for a third term, hopes to keep voters who pulled the lever for President Donald Trump — including hunters, hikers, snowmobilers and ranchers — on his side in 2018.

"Public lands is one of the great equalizers. It's part of who we are," Democratic Gov. Steve Bullock said in a phone interview. "It doesn't what matter what our political beliefs are, it's a core part of our lives."

Tester's strategy is part of a larger effort by Democrats in the West to emphasize the issue. Bullock emphasized it in his reelection bid in 2016 as he defeated Republican Greg Gianforte (now Montana's congressman) by 4 percentage points after hammering the Republican billionaire over stream access. New Mexico Sen. Martin Heinrich, who is expected to easily win reelection in 2018, started his reelection bid with a video focused heavily on public lands issues. And Democratic strategists think it can help them in states throughout the interior West.

"There are a lot of people here who are single-issue voters, and that issue is public lands," said Nick Gevock, the conservation director at the Montana Wildlife Federation.

Outdoor recreation is now Montana's largest industry, surpassing agriculture, and contributes \$7 billion and 71,000 jobs to the state's economy.

"They like to go hunting, they like to go fishing, they like to go hiking, they just like to get in the mountains where their cellphone doesn't work," Tester said in an interview. "I want to make sure there's not a mine put at the head of the Yellowstone River, or at the borders of Glacier Park."

A Montana Republican on the national stage is also raising the profile of the issue in-state. Conservationists had high hopes for Interior Secretary Ryan Zinke when he was first named to the job, but his decision to shrink the size of two national monuments has left them dismayed and disappointed.

"We were hopeful that, being a Montanan, he was going to live Montana values and be the Teddy Roosevelt conservationist he said he was," Gevock said, but noting Zinke's Interior Department was "putting the oil and gas industry above every other use."

Tester introduced Zinke at his confirmation hearing and had similar hopes, but is heavily critical of him today.

"It was because I thought he understood conversation. I haven't seen that over the last 14 months," Tester said, adding: "He has time to redeem himself."

The strategy is a proven vote-winner in Montana. Throughout the 2016 gubernatorial campaign, and in his earlier bids for governor and attorney general, Bullock emphasized stream access laws for fishermen. And he hammered Gianforte for fighting stream access laws in multiple television ads last cycle.

The state and national GOP platforms both support selling federal public lands to the states, where many environmentalists feel they would be exposed to oil and gas interests. Tester's opponents don't endorse those views.

"The people of Montana do not want the public lands transferred," state Auditor Matt Rosendale said in an interview, echoing the views of businessman Troy Downing and former judge Russ Fagg. (Rosendale supported selling the land during a 2014 bid for Congress but has changed his position.)

All three said they would like localities to have more say in how lands are managed and how federal authorities balance multiple uses. Rosendale, for instance, criticized the Forest Service for shutting down too many roads in the state.

But while Democrats in Montana have aggressively used the issue, public lands haven't become a top-tier issue in Colorado, Arizona or elsewhere in the interior West, which some Democratic strategists believe is a missed opportunity.

The Western Values Project, a Colorado-based nonprofit, ran ads late last year pressuring three potentially vulnerable Republicans — Arizona Rep. Martha McSally, who is now running for Senate, along with Oregon Rep. Greg Walden and Washington Rep. Jaime Herrera Beutler — over their support for Zinke's decision to shrink the national monuments.

And the attacks had an impact: In Arizona, McSally held a 3-point lead against a generic Democrat in her congressional district in a poll conducted by Global Strategy Group. But when "asked to consider a scenario where she votes to reduce the size of the Bears Ears and Grand Staircase-Escalante national monuments," her support dropped to 38 percent, with a generic Democrat winning 50 percent of the vote.

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### **Interior spent \$139K on Zinke office doors [Back](#)**

By Anthony Adragna | 03/08/2018 05:58 PM EDT

The Interior Department is spending \$139,000 for new doors for Secretary Ryan Zinke's office suite, according to records posted online.

The work was recommended by Interior career facilities and security officials, an agency spokeswoman said, not by Zinke.

"The secretary was not aware of this contract but agrees that this is a lot of money for demo, install, materials, and labor," Heather Swift, the spokeswoman, said in a statement.

The award to Maryland-based Conquest Solutions LLC was first reported by the Associated Press. The work involves replacing three sets of double doors, including two that open onto a balcony and leak during rain storms, the AP reported. An existing set of doors to Zinke's office from a hallway do not have a lock, so the security will be upgraded with the new doors.

Swift said the work is part of a "decade-long modernization of the historic FDR-era building."

"Between regulations that require historic preservation and outdated government procurement rules, the costs for everything from pencils to printing to doors is astronomical. This is a perfect example of why the Secretary believes we need to reform procurement processes."

Housing and Urban Development Secretary Ben Carson drew criticism recently over news that HUD would spend \$31,000 on a dining set. That order was subsequently canceled.

*To view online [click here](#).*

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### **House passes controversial dam bill [Back](#)**

By Annie Snider | 04/25/2018 04:45 PM EDT

The House passed a controversial measure to override a court decision that required changes in the operations of major hydropower dams in the Pacific Northwest to help protect endangered salmon.

The measure, H.R. 3144 (115), from Rep. Cathy McMorris Rodgers (R-Wash.), was passed by a nearly party-line vote of 225-189.

The 9th Circuit Court of Appeals earlier this month upheld a lower court decision requiring that water be spilled over the tops of dams along the Columbia and Snake rivers, including the powerhouse Grand Coulee Dam, the largest power station in the U.S., during periods when young salmon and steelhead migrate to the ocean. The suit was brought by the state of Washington, tribes and conservation groups.

McMorris Rodgers and other Republicans in the region have fought the decision because it would reduce the dams' hydropower output. Their legislation would override the courts and require that dam operations continue as they have historically to maximize power production until an environmental review of the system can be completed.

The legislation is the latest front in a yearslong battle over the nearly 100-year-old hydropower system on the rivers. Conservation groups and tribes with treaty fishing rights want it altered and operated to benefit wildlife, including calling for the removal of four dams along the Snake River.

**WHAT'S NEXT:** The legislation moves to the Senate, where some of the region's Democratic senators have registered their opposition.

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**EPA drops 'once in, always in' policy from key Clean Air Act requirements** [Back](#)

By Alex Guillén | 01/25/2018 06:11 PM EDT

EPA today withdrew a Clinton-era policy that was designed to prevent major emitters like power plants and factories from getting out of tough requirements to limit their toxic air emissions.

In a new memo, EPA air chief Bill Wehrum wrote that the "once in, always in" policy "is contrary to the plain language" of the Clean Air Act. Wehrum revoked a 1995 guidance memo outlining the policy and said EPA would consider new regulations to clarify its interpretation of the law.

Under the now-revoked guidance, any emitter that qualified as a "major" source of hazardous air pollutants would forever be subject to that tougher standard to comply with MACT rules, even if its emissions dropped low enough to be considered an "area" source subject to fewer or no requirements. Wehrum's memo said the law does not specify that such classifications are permanent.

"EPA has now determined that a major source which takes an enforceable limit on its [potential emissions] and takes measures to bring its HAP emissions below the applicable threshold becomes an area source, no matter when the source may choose to take measures to limit its" potential pollution emissions, Wehrum wrote.



Wehrum argued that the policy shift will actually encourage sources that hesitated to install emission reduction projects to move forward. Environmentalists, however, quickly blasted the change on social media.

The Bush administration twice attempted to change the OIAI policy but never succeeded.

**WHAT'S NEXT:** Wehrum's memo says EPA will "soon publish a Federal Register notice to take comment on adding regulatory text that will reflect EPA's plain language reading of the statute."

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Message

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**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]  
**Subject:** Fwd: Pallone & Cummings Urge Office of Special Counsel to Investigate Pruitt's Personnel Practices

Expect this to come up at the hearing tomorrow.

Sent from my iPhone

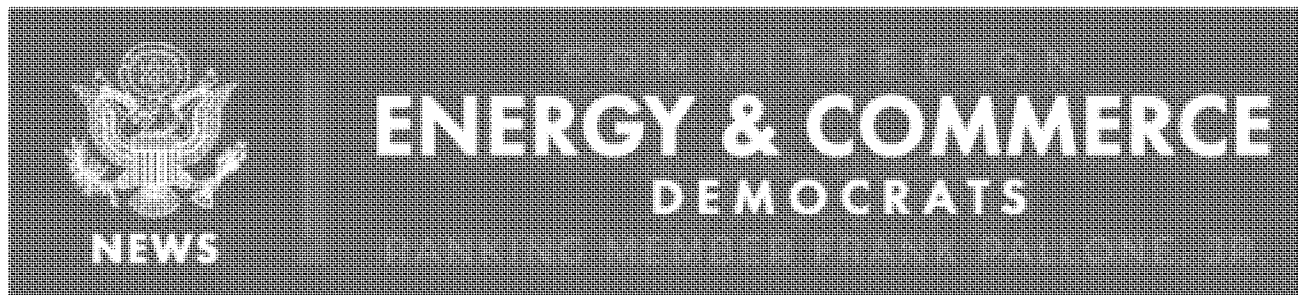
Begin forwarded message:

**From:** "Kessler, Rick" <[Rick.Kessler@mail.house.gov](mailto:Rick.Kessler@mail.house.gov)>  
**Date:** April 25, 2018 at 6:29:46 PM EDT  
**To:** "ringel.aaron@epa.gov" <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>  
**Subject:** Fwd: Pallone & Cummings Urge Office of Special Counsel to Investigate Pruitt's Personnel Practices

Rick Kessler  
Senior Advisor  
Committee on Energy and Commerce Sent from my iPhone

Begin forwarded message:

**To:** E&C Dem News <[ecdemnews@mail.house.gov](mailto:ecdemnews@mail.house.gov)>  
**Subject:** Pallone & Cummings Urge Office of Special Counsel to Investigate Pruitt's Personnel Practices



**FOR IMMEDIATE RELEASE**  
April 25, 2018

**CONTACT**  
**Pallone:** [CJ Young](#) (202) 225-5735  
**Cummings:** [Aryele Bradford](#) (202) 226-5181

## **Pallone & Cummings Urge Office of Special Counsel to Investigate Pruitt's Personnel Practices**

*Reports Suggest a “Troubling Pattern of Retaliation Against EPA Employees That  
May be Illegal.”*

**Washington, D.C.** – Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) and Oversight and Government Reform Ranking Member Elijah E. Cummings (D-MD) sent a [letter](#) to the U.S. Office of Special Counsel today requesting an investigation into whether there is a pattern of prohibited personnel practices taking place at the Environmental Protection Agency (EPA).

The top Democrats' request follows reports of at least six EPA officials reportedly being reassigned, demoted, or requesting new jobs in the past year after raising concerns with EPA Administrator Scott Pruitt's management and excessive spending of taxpayer funds.

**“These employees reportedly raised concerns—in some instances directly to Administrator Pruitt—regarding abnormally high spending on office furniture, first class flights, and security demands by Administrator Pruitt, such as a twenty-person security detail and a request for a bullet-proof vehicle,”** Pallone and Cummings wrote.

**“The reassignment or dismissal of employees who questioned Administrator Pruitt's wasteful and potentially unlawful expenditures suggests a troubling pattern of retaliation against EPA employees that may be illegal,”** Pallone and Cummings continued. **“We therefore request that you conduct an investigation to determine whether any prohibited personnel practices, or a pattern of prohibited personnel practices, occurred or continue to exist at the EPA.”**

The U.S. Office of Special Counsel is an independent federal agency whose primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, including reprisal for whistleblowing.

The letter is available [HERE](#).

###

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[democrats-energycommerce.house.gov](https://democrats-energycommerce.house.gov) | [Twitter](#) | [Facebook](#) | [Instagram](#) | [YouTube](#) | [Flickr](#)

Message

**From:** Greaves, Holly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABCB6428B3DF40A9A78B059A8BA59707-GREAVES, HO]  
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**Subject:** QFRs from House Budget Hearing - your help needed  
**Attachments:** HAC QFRs with RESPONSES FOR HOLLY\_consolidatedv2.docx

Withheld in full, Ex. 5 DPP and ACP

Attached please find the QFRs with responses prepared (primarily) by career staff. The office responsible for each response is highlighted in green. You can use the "control+F" function to search through the document for the acronyms for each office.

Can you each please review the responses for your office (see assignments below) and reply back to me with any edits necessary? Please send your edits in tracked changes by Noon on Tuesday, July 11<sup>th</sup>.

Note, if you have already reviewed the responses prepared by your career staff, please simply respond that your review is complete – however, please double check that you have seen responses for all the questions allocated to you.

**Assignments**

- OAR – Mandy
- OLEM – Byron
- OW – Lee
- OITA - Sarah
- ORD – Richard
- OP – Brittany
- OA/OPA – Liz

- OCIR – Troy
- OECA – Patrick
- OCSPP – Nancy
- OGC – Justin/David
- OARM/Office of Budget - Holly

Thanks,  
Holly

Message

**From:** POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]  
**Sent:** 4/25/2018 5:57:02 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** Report: Pruitt plans to shift blame for scandals

By Emily Holden

04/25/2018 01:55 PM EDT

EPA chief Scott Pruitt will seek to shift the blame for some of his ethics controversies by blaming his staff when he testifies at two House hearings Thursday, according to an internal EPA document reviewed by The New York Times.

Pruitt is prepared to say that he now flies coach rather than first-class, that staffers were responsible for large raises given to close aides without White House sign-off and that officials who were reportedly sidelined for questioning his behavior had performance issues, according to the Times.

The defenses are in line with what Pruitt and EPA spokespeople have said in recent months.

EPA did not dispute the authenticity of the document, but spokesman Jahan Wilcox said Pruitt would tout "the accomplishments of President [Donald] Trump's EPA," including "working to repeal Obama's Clean Power Plan and Waters of the United States, providing regulatory certainty, and declaring a war on lead — all while returning to Reagan-era staffing levels."

Pruitt is expected to face questions about his bargain condo rental from the wife of a lobbyist who has since resigned from his firm, his spending on a round-the-clock security detail and his previous refusal to fly coach. He is under investigation by three congressional committees, the EPA's inspector general and the GAO, among other oversight bodies. White House deputy press secretary Hogan Gidley told NPR today that Pruitt will have to answer questions about the potential ethics violations "in short order."

*To view online:*

<https://www.politicopro.com/energy/whiteboard/2018/04/report-pruitt-plans-to-shift-blame-for-scandals-1111510>

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Yes, very



Somewhat



Neutral



Not really



Not at all

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# POLITICOPRO

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA



Message

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**From:** Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]  
**Sent:** 4/25/2018 3:59:10 PM  
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**Subject:** APPROVAL: TPs for Friends & Allies  
**Attachments:** Hearing Talkers.docx

Ryan -

Attached and below are talking points on various issues that we would like to circulate with our friends. It's the same document we shared with you earlier this week, which was sent to Capitol Hill.

Obviously it will get leaked and will wait until you weigh in before sharing far and wide.

# Ex. 5 - Deliberative Process



# **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

###

Jahan Wilcox

EPA

Strategic Communications Advisor

Work Cell: **Ex. 6**

Work Email: wilcox.jahan@epa.gov

Message

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**From:** Hassell, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24C1350E0DF84A3CA1F5852C0FEB971B-HASSELL, EM]  
**Sent:** 6/8/2018 7:34:54 PM  
**To:** AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]  
**Subject:** News Clips - 8 June 2018

*(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)*

**Administrator Pruitt Coverage**

[The Hill - Pruitt: 'This is a transformational time'](#)

[The Hill - Trump: Pruitt 'is doing a great job'](#)

[Washington Examiner - Trump: Scott Pruitt not 'blameless,' but doing a 'great job' at EPA](#)

[Politico - Trump: Pruitt not 'blameless' in ethics scandals](#)

[Washington Examiner - Republicans lose patience with Scott Pruitt, but Trump doesn't](#)

[CBS News - Senate Republicans say Pruitt stories are becoming a distraction](#)

[Politico - Democrats seek criminal investigation of Pruitt](#)

[Politico - Major Trump donor helped Pruitt pick EPA science advisers](#)

[Washington Examiner - Anti-climate camp offers Scott Pruitt help in meeting court order](#)

[The Hill - Dems seek watchdog probe into Pruitt's Chick-fil-A dealings](#)

[CNN - Anxiety about EPA administrator under fire, but little action on Capitol Hill](#)

[The Daily Beast - Scott Pruitt Made Public Servants Fetch His Protein Bars and Greek Yogurt](#)

[ABC News - Toyota offered Pruitt private test drive of new Lexus model, emails show](#)

[The Hill - Protester brings lotion to heckle Pruitt during speech](#)

[ABC News - Trevor Noah: Scott Pruitt really should 'think bigger' when it comes to scandals](#)

**General**

[Daily Caller - Pruitt Is Overhauling EPA 'Cost-Benefit' Analysis That Obama Used To Justify Costly Regs](#)

[Washington Examiner - Scott Pruitt's fuel economy rollback is hurting American consumers \(\\*Op-Ed\)](#)

[Politico - Pruitt takes credit for ozone reductions tied to Bush, Obama administrations](#)

Politico - Biofuel deal stalemate keeps pressure off refiners

Washington Post - EPA to review how it adds up the economic pros and cons of environmental rules

E&E Greenwire - Gina McCarthy's portrait is done. Pruitt hasn't hung it up

BNA - EPA to Increase Transparency of Detergent Chemicals Releases

New York Times - HGTV's Chip and Joanna Gaines Will Pay Fine Over Lead Paint Violations

AP - Idaho utility sues EPA over Hells Canyon dams requirement

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### **The Hill**

<http://thehill.com/policy/energy-environment/391338-pruitt-this-is-a-transformational-time>

#### **Pruitt: 'This is a transformational time'**

By Timothy Cama, 6/8/18, 10:10 AM

Environmental Protection Agency (EPA) chief Scott Pruitt told a conservative gathering Friday that he and President Trump are overseeing policy changes that will be felt for decades.

"This is a transformational time. There are certain times in history that when you're living in them you recognize that what's happening is going to impact generations into the future," Pruitt told the Faith and Freedom Coalition's annual Road To Majority conference.

"This is reminiscent of the 1980s. This is reminiscent of when [former President Ronald] Reagan was in office saying that we can do better for the American people," he continued.

"We must embrace, we must advance, we must make change."

The embattled EPA chief did not mention any of the numerous spending and ethics controversies centering on him over recent months.

But one protester hid heckle Pruitt near the beginning of his speech with a large bottle of lotion, mocking him over a Washington Post report that he had his taxpayer-funded security detail drive him to numerous Ritz Carlton hotels to find a specific lotion he wanted.

Instead, Pruitt boasted about his aggressive deregulatory agenda, including actions to roll back major Obama administration rules on climate change, water pollution and air pollution.

"These are examples of us choosing to make sure that regulatory authority, once again, is not used to pick winners and losers," he said.

"This administration recognizes that private property ownership and the states matter, and that they care about air quality and water quality. And that we can advance this jobs agenda at the same time that we improve the environment by engaging in partnership, as opposed to adversity."

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## **The Hill**

<http://thehill.com/policy/energy-environment/391346-trump-pruitt-is-doing-a-great-job>

### **Trump: Pruitt 'is doing a great job'**

By Timothy Cama, 6/8/18, 10:36 AM

President Trump said Friday that embattled Environmental Protection Agency (EPA) chief Scott Pruitt "is doing a great job."

But Trump put a slight caveat in his praise for the EPA head, saying Pruitt isn't completely "blameless."

"Scott Pruitt is doing a great job within the walls of the EPA. I mean, we're setting records," Trump said as he prepared to leave for the G7 conference in Canada. He did not specify what "records" are being set.

"Outside, he's being attacked very viciously by the press," Trump continued. "And I'm not saying that he's blameless, but we'll see what happens."

It's the second time Trump has offered public praise for Pruitt this week.

"EPA is doing really, really well," Trump said at a Federal Emergency Management Agency meeting. "Somebody has to say that about you a little bit, you know that, Scott."

The praise comes during a week when the scandals centered on Pruitt's ethical and spending decisions, and his use of taxpayer-funded staff and resources, are piling up. Democrats are repeating their calls for Pruitt to step down or be fired, and many Republicans are getting more forceful in their criticisms over the controversies.

In this week alone, documents and news reports have revealed or alleged that Pruitt assigned his staff or security detail to do numerous personal tasks such as buying a used mattress, picking up his dry-cleaning and driving to multiple Ritz-Carlton hotels to track down a lotion he wanted.

Pruitt also used his position and resources to try to get his wife a Chick-fil-A franchise.

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## **Washington Examiner**

<https://www.washingtonexaminer.com/politics/trump-scott-pruitt-not-blameless-but-doing-a-great-job-at-epa>

### **Trump: Scott Pruitt not 'blameless,' but doing a 'great job' at EPA**

By Katelyn Caralle, 6/8/18, 9:01 AM

President Trump said Friday that EPA Administrator Scott Pruitt is not "blameless" for the scandals that have preoccupied him for the last several months, but said Pruitt is still doing a "great job."

"Scott Pruitt is doing a great job within the walls of EPA, I mean we're setting records," Trump told reporters before leaving for the G7 meeting in Canada when asked about Pruitt. "Outside, he is being attacked very viciously by the press. And I'm not saying that he is blameless, but we'll see what happens."

Reports emerged this week from White House officials indicating that the president is not considering firing Pruitt despite the flurry of scandals surrounding him. Trump has also continued to argue that he feels Pruitt is doing a good job, although Trump has sometimes signaled that people's time is almost up by saying "we'll see what happens."

"EPA is doing really, really well," Trump said at a Cabinet meeting Wednesday at the Federal Emergency Management Agency. "Somebody has to say that. You know that, Scott."

Odd revelations about Pruitt requests and decisions have emerged recently, like asking an EPA aide to pick up a mattress for him from the Trump International Hotel and asking his security detail to pick up body lotion.

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### **Politico**

<https://subscriber.politicopro.com/energy/whiteboard/2018/06/trump-pruitt-not-blameless-in-ethics-scandals-633704>

#### **Trump: Pruitt not 'blameless' in ethics scandals**

6/8/18, 8:58 AM

President Donald Trump today said embattled EPA chief Scott Pruitt is doing a good job but that Pruitt is not "blameless" in all the controversies swirling around him.

"Scott Pruitt is doing a great job within the walls of the EPA," Trump told reporters as he prepared to depart for the G-7 meeting in Canada. "Outside he's being attacked very viciously by the press."

He added, "I'm not saying he's blameless."

Pruitt is at the center of a string of ethics scandals, including lavish spending habits and using his aides to run personal errands. He is the subject of multiple inspector general investigations, but so far has shown no inclination to resign, despite the departure of a number of top aides in recent weeks.

The White House has repeatedly said that it is reviewing the controversies around Pruitt, but that Trump is pleased with the job he is doing at EPA.

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### **Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/republicans-lose-patience-with-scott-pruitt-but-trump-doesnt>

#### **Republicans lose patience with Scott Pruitt, but Trump doesn't**

By Josh Siegel, 6/8/18, 12:00 AM

Republican lawmakers are becoming more frustrated with Environmental Protection Agency Administrator Scott Pruitt's stewardship of taxpayer dollars and potential abuse of his office.

"Administrator Pruitt's unforced errors are increasingly distracting from the otherwise great work the EPA is doing under his leadership," Rep. John Shimkus, R-Ill., who leads the House Energy and Commerce subcommittee overseeing the EPA, told the Washington Examiner Thursday.

But few Republicans are willing to buck President Trump, whose support has not flagged, and call for Pruitt's resignation. Some of that reticence is practical. They expect a difficult nomination fight for any replacement.

"Senate Democrats' historic obstruction of President Trump's nominees is probably another reason Mr. Pruitt remains where he is," Shimkus said.

After a week of more revelations of Pruitt's peculiar decisions, such as using an agency aide to obtain a mattress for him from the Trump International Hotel and having his security detail pick up body lotion, some allies are accusing the media of picking on the EPA head to derail his deregulatory agenda.

"Scott Pruitt is a prime example of what Teddy Roosevelt described as the 'man in the arena.' He is a target because he is keeping President Trump's campaign promises to rein in the EPA," Sen. Roger Wicker, R-Miss., told the Washington Examiner Thursday. "I have confidence in him because he has been highly effective. The criticisms against him amount to nothing more than nitpicking."

Pruitt faces serious new allegations, and he is already facing more than a dozen federal investigations.

The roster of issues under investigation include Pruitt's \$50-per-night condo rental deal with the wife of an energy lobbyist who had business before the EPA, his spending of more than \$3.5 million on security, his \$43,000 secure phone booth, frequent first-class travel, and allegations that he retaliated against employees who questioned his judgment.

On Wednesday, House appropriators included a rider in a \$35 billion spending bill that blocks Pruitt from spending more than \$50 on a pen, in response to recent reports that he spent more than \$1,500 on pens.

Democrats on Thursday, including Sen. Tom Carper of Delaware, the top Democrat on the Environment and Public Works Committee, asked the EPA's inspector general to open a new probe into "recent revelations that the administrator appears to have used his office to benefit himself and his family in business matters unrelated to federal government work."

Pruitt had his executive scheduler email the president of Chick-fil-A to arrange a meeting to discuss a "potential franchise opportunity" for his wife, the Washington Post reported this week.

He tasked members of his round-the-clock security detail to run errands for him, including picking up his dry cleaning and helping him obtain moisturizing lotion, according to a report Thursday.

Federal rules say public officials cannot receive gifts from subordinates, including unpaid services. The rules also prevent them from using their office for private gain.

Meanwhile, two top aides to Pruitt — Sarah Greenwalt, Pruitt's senior counsel, and Millan Hupp, his director of scheduling — both of whom worked for him in his last position as Oklahoma's attorney general, resigned this week. Hupp gave her resignation after telling a congressional committee that she was asked by Pruitt to obtain a used mattress from the Trump International Hotel in Washington.

Greenwalt and Hupp are among the EPA staffers who have interviewed with the House Oversight and Government Reform Committee as part of its probe over Pruitt's spending and ethics.

Their resignations are the latest departures of top aides close to Pruitt, who has blamed political aides and career staffers for many of his troubles.

Tom Pyle, president of the free-market American Energy Alliance and Trump's former Energy Department transition team leader, said the departures of staffers closely associated with Pruitt can help his status.

"None of the latest developments alter my view that Scott Pruitt should remain at the helm of the EPA," Pyle told the Washington Examiner. "Staff turnover was inevitable, especially in this feeding frenzy atmosphere, but I do think it would be to Pruitt's benefit to surround himself with a new team that doesn't have the close personal history he shared with his outgoing staff."

Mike McKenna, a conservative environmental adviser with close ties to the Trump transition team, also advised Pruitt to shake up his staff with more experienced people.

"I've always thought that the staff changes were going to happen," McKenna told the Washington Examiner. "The administrator would be well-served to take this opportunity to bring on some new hands with substantial Washington experience."

Republicans who oppose some of Pruitt's policy moves are more willing to question Pruitt's job status.

Pruitt "is about as swampy as you get here in Washington, D.C. And if the president wants to drain the swamp, he needs to take a look at his own Cabinet," Sen. Joni Ernst, R-Iowa, said Tuesday at a public event.

Ernst is frustrated with Pruitt's efforts to help oil refiners avoid costs from the Renewable Fuel Standard, to the detriment of corn farmers in her state.

But Republicans who share Pruitt's verve for weakening or delaying environmental rules are focusing their attention on policy.

Rep. Lamar Smith, R-Texas, the chairman of the House Science, Space, and Technology Committee, credited Pruitt Thursday for proposing a rule that would change the way the agency calculates the costs and benefits of regulations.

"Administrator Pruitt is working hard to implement President Trump's America First agenda," Smith told the Washington Examiner. "He is righting the previous administration's wrongs of consistently overstating regulatory benefits while ignoring regulatory burdens and costs. Americans can thank Administrator Pruitt for making the federal government more honest and more responsive."

Other Republicans operate more cautiously, expressing patience in waiting for the results of various investigations, including from the White House.

"I continue to have significant concerns, continue to be involved in oversight," Sen. John Barrasso of Wyoming, the chairman of the Environment and Public Works Committee, told reporters this week. "We're waiting for reports from the inspector general and of course the White House and the president — they're doing a formal review. There has to be accountability for public money and how money is spent and we'll continue to be very engaged in this."

Despite the ongoing investigations, Trump has signaled he's made his own conclusion.

"EPA is doing really, really well," Trump said at a Cabinet meeting Wednesday at the Federal Emergency Management Agency. "Somebody has to say that. You know that, Scott."

And the president's view, until something changes, may be all that matters.

"The president's judgment is the only one that is material in this instance," McKenna said. "The increasingly petty nature of the reporting only serves to highlight that the media doesn't like him. Which means he must be doing something right."

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## **CBS News**

<https://www.cbsnews.com/news/senate-republicans-say-pruitt-stories-are-becoming-a-distraction/>

### **Senate Republicans say Pruitt stories are becoming a distraction**

By Blair Guild, 6/7/18, 6:33 PM, UPDATED 7:05 PM



Several Senate Republicans have come to a consensus on Environmental Protection Agency (EPA) Administrator Scott Pruitt: while they can get behind his regulation rollbacks, the recent slew of scandals surrounding his name have become a major distraction.

In this week alone, stories have surfaced about Pruitt asking an agency aide to acquire a used Trump Hotel mattress and to research opportunities for his wife to own a Chick-fil-A franchise. On Thursday, a report came out that Pruitt had an EPA security detail hunt down his favorite skin lotion, and longtime aide to Pruitt and EPA lawyer Sarah Greenwalt resigned.

"Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity," EPA press secretary Kelsi Daniell told CBS News on the matter.

However, with Pruitt blunders maintaining footholds in the news cycle, some Republicans look eager to call out the EPA chief.

Sen. John Kennedy, R-Louisiana, said Thursday that while he agrees "with many of the new policies of the EPA," not all of which he says are attributable to Pruitt, he thinks that lately the EPA administrator has been "acting like a moron."

"I said it yesterday, I don't mean any disrespect, but he's acting like moron," Kennedy said. "If you can't use good judgment and put tax payers first, it's time to find another line of work."

Senate Whip John Cornyn, R-Texas, said that all of the Pruitt stories "seem like distractions" from his actual work within the EPA.

"I don't think it looks good but I like what the administrator has been doing from a policy perspective," he said.

Sen. Lindsey Graham, R-South Carolina, said that while he wasn't sure if all the stories about Pruitt are true, the policies he's championed are well-liked by Republicans.

"I just know there's a lot of talk of conflicts and we'll see how much the market can bear," he said. "I think what keeps him around is that the policies he's implementing most people like. I don't know what's fact, I don't know what's fiction," he later added.

Sen. Orrin Hatch, R-Utah, said Wednesday that Pruitt "has to be very careful" in order for people to trust him to "do the job without influence, one way or the other."

"Knowing Scott Pruitt, I think he will do a good job," Hatch said.

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## **Politico**

<https://subscriber.politicopro.com/energy/whiteboard/2018/06/dems-seek-criminal-investigation-of-pruitt-1381015>

### **Democrats seek criminal investigation of Pruitt**

By Alex Guillen, 6/8/18, 12:24 PM

Several House Democrats today sent a letter asking the Justice Department and FBI to open a criminal investigation into whether EPA Administrator Scott Pruitt used his office to enrich his family, in particular his wife.

"Administrator Pruitt directly, and admittedly, used EPA resources to attempt to secure a job for his wife," the Democrats wrote.

The letter cites recent reports that Pruitt, using EPA aides and email, set meetings with Chick-fil-A executives to discuss the possibility of his wife Marlyn opening a franchise, though that never happened.

Pruitt did help his wife secure a paid job helping organize a September conference for the New York nonprofit group Concordia at which Pruitt then spoke.

The letter also notes other Pruitt scandals, such as his \$50-a-night condo room rental from the wife of a lobbyist with business before EPA.

"At the very least, we know that federal ethics laws bar public officials from using their position or staff for private gain. Administrator Pruitt has certainly done just that," the lawmakers wrote. "Further, his actions related to his wife's employment and the quid-pro-quo condo situation with industry lobbyists may have crossed a line into criminal conduct punishable by fines or even by time in prison."

It is "unclear" whether Pruitt has taken any actions at EPA to benefit Chick-fil-A or Concordia, the letter notes.

It was signed by Reps. Don Beyer (D-Va.), Gerry Connolly (D-Va.), Jamie Raskin (D-Md.), Ruben Gallego (D-Ariz.), Pramila Jayapal (D-Wash.) and Ted Lieu (D-Calif.)

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## **Politico**

<https://www.politico.com/story/2018/06/08/doug-deason-trump-donor-helped-pruitt-pick-epa-science-advisers-603450>

### **Major Trump donor helped Pruitt pick EPA science advisers**

By Emily Holden and Anthony Adragna, 6/8/18, 12:14 PM

A prominent GOP donor and President Donald Trump supporter helped EPA Administrator Scott Pruitt choose the head of the influential scientific body charged with reviewing EPA's regulations, according to newly released documents.

Doug Deason, a Dallas businessman, submitted a list of names of candidates for Pruitt's Science Advisory Board in August that had been supplied by the conservative Texas Public Policy Foundation, on whose board he serves.

Deason and his father, Darwin Deason, donated over \$900,000 in 2016 alone to help elect Trump and other Republican candidates. His influence over the SAB appointments is the latest example of the high-level access that politically powerful conservatives have to the EPA administrator. Deason is known to be a friend of Pruitt's.

Deason and his wife have also been donors to the Koch brothers' network of organizations that raise money for Republicans running for state and national office.

Last year, Pruitt overhauled EPA's advisory boards, banning scientists who received EPA funding and replacing many of them with employees of energy companies and state agencies. The new emails, released under the Freedom of Information Act to the Sierra Club, show that some of those appointments were made at the suggestion of campaign contributors and oil and coal industry officials.

Deason's full list, which EPA did not provide, was drafted by Kathleen Hartnett White, a TPPF fellow whose nomination to run the Council on Environmental Quality flopped in the Senate after a poor showing in her confirmation hearing and her lack of scientific credentials. She had drawn fire from environmentalists and Democrats for comments dismissing climate change and downplaying the dangers of pollutants like smog.

Reached via email, Deason acknowledged that he had made the recommendations. And he did not believe Pruitt's job at EPA was in danger, saying he "is out of the woods from what I have been told by contacts in the White House. Time to

move on [to the] real story." EPA did not dispute that Deason was involved in the process, but said others put forward nominations too.

Pruitt has regularly sought to build connections with top GOP donors, including some whose businesses are heavily regulated by EPA. He has huddled with Steve Chancellor, a coal executive who raised over \$1 million for Trump, POLITICO reported. And he sat in coveted courtside seats at a University of Kentucky basketball game with tickets from billionaire coal magnate and Republican funder Joe Craft, whose wife is Trump's ambassador to Canada, The New York Times has reported.

Deason's top recommendation to Pruitt was Michael Honeycutt, a toxicologist at the Texas Commission on Environmental Quality, who was subsequently appointed to lead the Science Advisory Board, which counsels the agency on how it uses science to write regulations and is currently reviewing sweeping rule changes Pruitt is implementing. Honeycutt has been a critic of EPA's regulations, and cast doubt on its assessments of the dangers of mercury, arsenic and ozone pollution.

According to internal emails, Deason told Pruitt's then-scheduler Sydney Hupp in May 2017 that Pruitt "asked that I help them add a few experts on a new proposed Science Advisory Board." EPA didn't publicly request candidates until June.

Months later, Deason forwarded White's list to Pruitt's chief of staff Ryan Jackson. TPPF Executive Director Kevin Roberts said White "especially recommends Dr. Michael Honeycutt of the TCEQ," and attached his bio first.

EPA argues Honeycutt was not chosen on Deason's recommendation alone, saying in an emailed statement from a spokesman that "he is a well-qualified and respected toxicologist, he has been nominated by multiple people and considered for EPA science advisory committees for the last several years."

Craig Holman, a government affairs lobbyist for the watchdog group Public Citizen, said Deason's influence in the process "raises serious concerns."

"That should have been a merit-based process of selection and not based on the wishes of personal friends and major party donors," Holman said. "It's a sad reflection of what we're seeing going on throughout the Trump administration. Trump values millionaires and billionaires and those who are very wealthy as being the type of people who are running our government, so that's who he listens to — it's really a takeover of our government by the very wealthy."

Deason's initial email to Hupp about the science boards was sent before he met with Pruitt on May 18, an appointment that the agency never disclosed. Deason also set up a meeting that day between Pruitt and his business partner Roy Bailey, the managing director at the private equity firm Giuliani Deason Capital Interests, which is partly owned by Rudy Giuliani's firm Giuliano Partners. The Dallas Morning News has reported that Bailey was also a major fundraiser for Trump.

Bailey brought along executives from Intrexon, a biotechnology company whose subsidiary now has a proposal before the agency to deploy genetically engineered mosquitoes to reduce the population of Zika-carrying mosquitoes in South Florida.

Bailey set up the meeting as a personal favor for the company's CEO, R.J. Kirk, who is a friend, Intrexon said.

"I truly believe that Scott and his team would benefit greatly from meeting with RJ," Deason told Hupp. "If Scott and/or Ryan Jackson have any time I would really appreciate it if they would give RJ 15 mins or so. They will learn a lot!"

Pruitt's public calendar lists the meeting with Intrexon but does not note Bailey's attendance. The administrator's more detailed internal calendar item for the meeting, obtained under public records laws, lists Bailey and Intrexon executives, but not Deason.

The records noted that Intrexon's technology, which was previously under the FDA's jurisdiction, "will fall under the purview of the EPA."

Asked about the donors' role in the meeting, the EPA spokesman said "Administrator Pruitt meets with a wide range of regulated stakeholders and these meetings are no different."

Deason has been a staunch supporter of Pruitt during his recent scandals, and has pressed his White House contacts to keep Pruitt at EPA, suggesting that if reports that Trump chief of staff John Kelly was pushing for his ouster, then Kelly "has no spine," according to Bloomberg.

He also helped book Pruitt as a speaker at a TPPF and Heritage Foundation event in Washington on Nov. 30, emailing Pruitt and Jackson directly.

Jackson thanked Deason for "the help on the science boards," noting in an email in October that they would be announced in the next few weeks. And Deason followed up after the announcement, writing, "Great news on the Science Boards, Ryan. Scott knocked it out of the park yesterday."

The American Petroleum Institute also put forward six of its own recommendations for various science boards, and two of those ultimately landed positions advising EPA: Merl Lindstrom, the vice president of technology for Phillips 66, and Robert Merritt, a retired geoscience manager from oil giant Total SA. API Director of Federal Relations Hilary Moffett in August sent the list of candidates to Jackson and Deputy Assistant Administrator for Research and Development Richard Yamada.

Separately, Betsy Monseu, head of the American Coal Council, recommended two of the group's members who were not ultimately picked. The organization itself did not take an official position, but Monseu emailed her names to EPA air office adviser Mandy Gunasekara in July.

The EPA spokesman said the agency had more than 700 applicants for its science boards and sought a "wider range of voices to weigh into" the selection process and now has "highly qualified" boards that are "independent and geographically diverse."

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### **Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/anti-climate-camp-offers-scott-pruitt-help-in-meeting-court-order>

#### **Anti-climate camp offers Scott Pruitt help in meeting court order**

By John Siciliano, 6/7/18, 6:33 PM

Environmental Protection Agency Administrator Scott Pruitt is receiving help from well-known climate skeptics in meeting the demands of a court order to provide the basis for a statement he made that climate change is not man-made.

The Heartland Institute shipped copies of its 3,000-page "Climate Change Reconsidered" series of reports to Pruitt on Thursday, with a letter from the group's president advising the EPA chief to use the documents in complying with the court's June 1 order.

The D.C. District Court ordered Pruitt to back up claims he made in a CNBC interview last year that carbon dioxide emissions from the burning of fossil fuels are not the primary contributor to climate change. The court was responding to an environmental group's lawsuit on a Freedom of Information Act request that the EPA did not answer about the basis for the CNBC statement.

Judge Beryl Howell rejected the EPA's objections to upholding the Freedom of Information Act request, calling the agency's arguments "not persuasive" and ordering it to produce studies that the agency has supporting Pruitt's position on climate change by July 11.

"We have no doubt that [the environmentalists], with the assistance of the judge, is trying to box you in and embarrass you," said Tim Huelskamp, president of the Heartland Institute, in a letter that accompanied the studies.

"After all, you were only on the job for a few days and you could not possibly have reviewed all the documents EPA possessed before your confirmation — which would all toe the unscientific, alarmist dogma that marked the Obama years," Huelskamp wrote. "Fortunately, you do not have to look far to find 'documents that support the conclusion that human activity is not the largest factor driving global climate change,'" he said, citing the judge's order.

Huelskamp said that its studies on climate change had been submitted in both digital and physical form during former President Barack Obama's administration. But it is resending copies "in the event an Obama-era ideologue at EPA disposed of or destroyed those volumes," Huelskamp said.

The volumes are scholarly documents refuting many of the conclusions of the United Nations' Intergovernmental Panel on Climate Change's global warming forecasts and modeling.

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## **The Hill**

<http://thehill.com/policy/energy-environment/391257-dems-seek-watchdog-probe-into-pruitts-chick-fil-a-dealings>

### **Dems seek watchdog probe into Pruitt's Chick-fil-A dealings**

By Timothy Cama, 6/7/18, 4:55 PM

Three Democratic senators want the Environmental Protection Agency's (EPA) internal watchdog to examine reports that Administrator Scott Pruitt used his position to try to get work for his wife.

Democratic Sens. Tom Udall (N.M.), Tom Carper (Del.) and Sheldon Whitehouse (R.I.) pointed to news this week that Pruitt tried to get his wife Marlyn a Chick-fil-A franchise and successfully got her an event-planning gig, saying they're concerned that there may be other similar incidents.

"While reviews of public emails have turned up these two instances of Administrator Pruitt pursuing business opportunities for his family, we are concerned that there could be other, as yet unknown, business pursuits as well," they wrote Wednesday to EPA Inspector General Arthur Elkins.

Elkins's office is already looking into allegations that Pruitt used his staff at EPA for personal tasks, which could violate federal law.

"We would like you to either supplement that investigation or open a new one to review whether the administrator used his position — acting in his own capacity or through his official staff — to pursue private business opportunities to enrich himself or any members of his family regarding these two cases and any other financial opportunities for Administrator Pruitt's family," the Democrats wrote.

Pruitt has defended his unsuccessful work to get his wife a franchise of the chicken restaurant owned by an outspoken Christian family.

"I love, she loves — we love — Chick-fil-A as a franchise of faith and one of the best in the country," Pruitt told Nextar Broadcasting Wednesday.

"We need more of them in Tulsa, we need more of them across the country."

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**CNN**

<https://www.cnn.com/2018/06/07/politics/congress-scott-pruitt-reactions-republicans/index.html>

**Anxiety about EPA administrator under fire, but little action on Capitol Hill**

By Lauren Fox, 6/7/18, UPDATED 7:46 PM

(CNN) -- Republican patience is waning when it comes to Environmental Protection Agency Administrator Scott Pruitt.

GOP lawmakers on Capitol Hill are openly opining on Pruitt's character, ethics and judgment even as they say they are largely happy with the policy decisions the EPA administrator is making at the agency.

All of the tension is leading to questions about how long it will be tenable for Pruitt to stay in the job.

"That's the question. That's the question. I think the President will make that decision," West Virginia Republican Sen. Shelley Moore Capito said.

Members say that the problem for Pruitt isn't one incident, but the wide array of allegations that have stacked up against him, with about one dozen inquiries into his actions as EPA administrator. On Thursday, The Washington Post reported that Pruitt had his security detail drive him around Washington looking for his favorite lotion and, on occasion, pick up his dry cleaning. The Government Accountability Office has found he violated the law for not reporting to Congress that he installed a \$43,000 soundproof booth in his office and there have been reports that Pruitt used his office to inquire about a Chick-fil-A business opportunity for his wife among other things.

Sen. Dick Shelby, a Republican from Alabama, described it as "a lot of cuts."

"It's not helpful for one after another after another of these issues to come up so I don't know where it is going," said Arizona Republican Sen. Jeff Flake.

The reviews, audits and investigations into Pruitt's actions at the agency include his unprecedented 24/7 security detail, first-class airplane tickets and condo rental from a lobbyist couple.

CNN has reached out to the EPA for comment on the criticism from Republicans' and has not yet received a response.

The level of outrage about Pruitt -- even in a Republican Party where members are skittish about crossing their President -- is palpable. Sen. John Kennedy, a Republican from Louisiana, told CNN Wednesday that "behavior wise," Pruitt was "acting like a moron."

"This behavior has hurt and is hurting the President, which hurts the country," Kennedy said. "When you are in a position of authority as he is, enormous power of being the administrator of the EPA, you cannot have appearances of impropriety and the hits just keep on coming."

Sen. Joni Ernst, a Republican from Iowa, tagged Pruitt as "about as swampy as you get" during a Platts Energy event this week.

Even in the House, Pruitt has become a distraction for those who have jurisdiction over the EPA. Rep. John Shimkus, a Republican from Illinois who has oversight authority over the EPA on his subcommittee, told CNN Thursday that that he's not as concerned as he is frustrated.

"Come on, help us out here. Don't do stupid things," Shimkus said about Pruitt's recent behavior. "Character matters. Stewardship matters."

But, Shimkus says an obstacle for Republicans to act or talk to the administration is the fear that the administration may not be able to get another EPA administrator confirmed if Pruitt was fired. The margin in the Senate is narrow and the body already has a packed schedule for the summer that includes a long list of nominees.

"We run into the concern of we need people at the head of agencies especially at one like the EPA where it's kind of a sea change from the last administration," Shimkus said. "Having someone there is important. Because of what is occurring in the personal side, if that runs him out of the position, then we don't have anybody. Then you're kind of stagnant," Shimkus said.

There is also the other factor: Trump.

The President praised Pruitt Wednesday while at FEMA headquarters and most recently appears pleased with the job Pruitt is doing.

"Administrator Scott Pruitt. Thank you, Scott, very much. EPA is doing really really well. And you know, somebody has to say that about you a little bit -- you know that Scott," Trump said Wednesday.

There are still plenty of Republicans who say they aren't interested in nitpicking Pruitt. Sen. Roger Wicker, a Republican from Mississippi who is up for re-election, said he didn't have any concerns. Asked directly about the Chick-fil-A incident and a report that Pruitt inquired about getting a mattress from the Trump Hotel, Wicker categorized the alleged infractions as "small potatoes."

John Barrasso, a Republican on the Senate's Energy Committee, told CNN "we're continuing to have oversight, continuing to ask questions, continuing to wait for the full, White House formal review."

Capito, another member of the Energy Committee, however, warned "honestly, I think it has an eroding effect of his support overall."

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### **The Daily Beast**

<https://www.thedailybeast.com/scott-pruitt-made-public-servants-fetch-his-protein-bars-and-greek-yogurt/>

#### **Scott Pruitt Made Public Servants Fetch His Protein Bars and Greek Yogurt**

By Lachlan Markay and Asawin Suebsaeng, 6/7/18, 6:27 PM

If you've worked for Scott Pruitt, there's a not-insignificant chance that you have fetched him his favorite junk—and health!—food while on the job.

According to four sources familiar with the work environment at the Environmental Protection Agency, its scandal-plagued EPA administrator has regularly sent his subordinates out during the workday to pick up his favorite snacks and treats. Pruitt has been known to send staffers on these errands at least twice a week, with some sources describing his demands as "constant," and others merely noting that he does this "frequently."

"I can't tell you how many times I was sent out to get protein bars on the orders of [Pruitt]," one person told The Daily Beast.

Beyond the protein bars, Pruitt also has a well-known sweet tooth, and often tells staffers to make a grocery run to get his preferred sweets, cookies, and Greek yogurt, among other items, sources say.

Pruitt's tastes in snacks are rather refined, according to former aides. He is particularly fond of finger food from the upscale eatery Dean & DeLuca, according to a former EPA official. Pruitt is also particular about his coffee tastes, the former official said, and would often direct an aide to brew him pour-over coffee, which he prefers to more run-of-the-mill brewing methods.

An agency spokesperson declined to comment directly on this story. "EPA will not be commenting on anonymous sources who are working to distract Americans from Administrator Pruitt's accomplishments on regulatory certainty and environmental stewardship," the spokesperson told The Daily Beast in an emailed statement.

Pruitt's use of official resources to run personal errands is just the latest in a long string of controversies that have dogged his tenure as the nation's top environmental regulator. On Thursday, the Washington Post reported that Pruitt has also tasked his security detail with personal tasks such as picking up his dry cleaning and fetching him hand lotion that is apparently available only at Ritz Carlton hotels.

Also this week, emails obtained through the Freedom of Information Act by the Sierra Club, an environmentalist group, showed a top Pruitt aide seeking a used mattress for the administrator from the Trump International Hotel in Washington, and inquiring about the purchase of a Chick-fil-A franchise on Pruitt's wife's behalf. That aide, Millan Hupp, resigned this week.

Such practices have drawn the ire of ethics watchdogs, who balk at top government official using his official staff to run these types of personal errands. Stories like this one, however, are nothing new for Donald Trump's EPA administrator, who has managed to survive intense scrutiny of his spending on first class airfare, and his one-time accommodations in a Capitol Hill house owned by the wife of an energy lobbyist.

Nevertheless, Pruitt maintains the support of the president, at least publicly. But multiple current and former administration officials told The Daily Beast that morale on Pruitt's staff is currently in the pits.

One source described the work environment as a "hell hole," where many staffers, some of whom had been eyeing the exits for months, have now bolted, and several still remaining are quietly looking for other jobs. In addition to Hupp, Sarah Greenwalt, a senior counselor to Pruitt, resigned this week.

As Pruitt has become increasingly isolated in his position—with numerous White House senior officials, including Chief of Staff John Kelly, wishing him gone as soon as possible—multiple sources said that the EPA chief continues to share a familiar trait with his boss—a refusal to say, "I'm sorry."

In the months since the deluge of negative news stories and revelations began, sources familiar all told The Daily Beast that Pruitt hasn't convened a meeting of staffers to apologize for what he has put them through, or thanked them for their work defending him publicly and privately.

In private conversations with groups of staffers, Pruitt is known to talk largely about himself.

"Narcissist," one former administration official bluntly assessed.

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## ABC News

<https://abcnews.go.com/Politics/toyota-offered-pruitt-private-test-drive-lexus-model/story?id=55740550>

### Toyota offered Pruitt private test drive of new Lexus model, emails show

By Lucien Bruggeman, 6/8/18, 6:17 AM



Toyota's top brass offered embattled Environmental Protection Agency Administrator Scott Pruitt a private test drive in one of Lexus' latest models late last year, and although it's not clear if there was ever a test drive, it's a potentially problematic pitch to the head of a regulatory body from a company subject to its regulation.

Emails exchanged last fall between one of Pruitt's former top aides, Millan Hupp, and a representative for Toyota — the parent company of Lexus — indicate Pruitt's apparent interest in taking the Lexus LC500 for a test drive after visiting Toyota headquarters in Plano, Texas. The company sent several emails following up to see if Pruitt was still interested in taking a ride and offered to also show him the company's hydrogen fuel-cell vehicle, the "Mirai."

"Just today, we took delivery of a brand new Lexus LC500 (the same car we showed him in the parking garage)," Tom Stricker, a vice president in Toyota's product regulatory affairs division, wrote on Aug. 31, 2017. "Is there a good day in the next week or so for the Administrator to go for a lunchtime drive?"

"He saw one in Texas and seemed excited to take it for a spin," Stricker added.

The emails, obtained by the Sierra Club through a public records request and subsequent lawsuit, do not indicate whether the test drive took place. The emails only indicate Hupp thanked Stricker for the offer.

Neither party to the emails would clarify if Pruitt asked for special treatment.

"Scott Pruitt is apparently incapable of saying no to corporate lobbyists in any context, whether it is on policies that sell out our health and our future, or on personal perks and experiences he simply must indulge," John Coequyt, senior director of federal policy for the Sierra Club, told ABC News in a statement.

"Pruitt has become both a caricature and the example par excellence of incompetence, corruption, and petty grifting, and it's past time for him to resign," Coequyt said.

Neither Toyota nor the EPA responded to a request for comment.

In December, Pruitt said the EPA was "partnering" with Toyota to reform management at the agency, but in January, under pressure from environmental advocacy groups, the company pulled out of those discussions.

In April of this year, Pruitt announced that the EPA was rolling back Obama-era fuel efficiency and emissions standards for automobiles, a decision applauded by the auto industry.

Toyota has spent more than \$7 million on lobbying in Washington since President Donald Trump took office, according to disclosure reports filed with Congress. In addition to lobbying Congress and other agencies, the auto company has spent \$30,000 during that time specifically to lobby the EPA, the reports show.

This latest story caps a week of revelations about Pruitt's rocky stint at the agency. Earlier this week, ABC News reported that Pruitt's aides helped him look for an apartment, set up meetings about financial opportunities for his wife with Chick-fil-a, and even shopped for a mattress, raising questions about whether Pruitt violated federal rules by asking his employees to do personal favors for him on the government's time.

On Wednesday, ABC News reported that two of Pruitt's top lieutenants at the agency were resigning, including Hupp, who communicated with the Toyota representative about the test drive. A second aide, Sarah Greenwalt, also announced her resignation this week.

Despite a tenure marked by controversy over controversy, top White House officials told ABC News on Thursday that the president does not appear to be changing his stance and is standing behind Pruitt.

## **The Hill**

<http://thehill.com/policy/energy-environment/391330-protester-brings-lotion-to-heckle-pruitt-during-speech>

### **Protester brings lotion to heckle Pruitt during speech**

By Ben Kamisar, 6/8/18, 9:33 AM

A protestor interrupted Environmental Protection Agency Administrator Scott Pruitt's address at a conference for the religious right on Friday, holding up a bottle of lotion to make fun of a recent report that Pruitt's staff had been tasked with running errands for him.

Shortly after Pruitt began to address the Faith and Freedom Coalition's Road to Majority Conference in Washington, D.C., a woman stood up and began shouting at him. She held a large bottle of lotion above her head as security immediately escorted her out and the crowd began to chide her.

Pruitt briefly addressed the incident, framing it as indicative of the "left" and its approach toward him.

"The left doesn't want to talk about truth, the left doesn't want to talk about results. They just want to shout and try to intimidate," he said.

The EPA administrator has been dogged by allegations of improper spending and ethics violations that have trickled out in news reports over the past months. On Thursday, the Washington Post reported that Pruitt's security detail has had to run errands with and for him that included getting him his preferred lotion, which can be found at Ritz Carlton hotels.

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## **ABC News**

<https://abcnews.go.com/Politics/trevor-noah-scott-pruitt-bigger-scandals/story?id=55741134>

### **Trevor Noah: Scott Pruitt really should 'think bigger' when it comes to scandals**

By Justin Doom, 6/8/18, 2:23 AM

Trevor Noah on Thursday night said the scandals in which Environmental Protection Agency Administrator Scott Pruitt finds himself embroiled are actually more confusing than infuriating -- and that he should really be aiming higher.

"Nobody in Washington has been as consistently caught up in scandal as EPA chief Scott Pruitt, and, surprisingly, his scandals haven't come from him working to destroy the environment," Noah said. "No, no, no -- they've come from his little side hustles."

"Normally, when you find out about corruption in D.C., it's the kind that makes you mad -- 'Millions in bribes?!' -- but with every new Pruitt revelation, every time, you just go, 'Wait ... what?'"

The host of "The Daily Show" then played news clips discussing how Pruitt attempted to get his wife a Chick-fil-A franchise.

"Just think about this for a second," Noah continued. "You're the head of a major government agency with influence over some of the biggest corporations in the world, and you decide to abuse your position ... to get your wife a chicken store?"

"My man, focus! You have all that power! You've got to think bigger? It's like he's Thanos and using the Infinity Gauntlet to cut the line at Disney World."

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**Daily Caller**

<http://dailycaller.com/2018/06/07/pruitt-overhauling-environmental-costs/>

**Pruitt Is Overhauling EPA 'Cost-Benefit' Analysis That Obama Used To Justify Costly Regs**

By Tim Pearce, 6/8/18, 2:33 AM

Environmental Protection Agency (EPA) Administrator Scott Pruitt is overhauling the way his department calculates the costs and benefits of new regulations, the EPA announced Thursday.

The EPA issued an advance notice that it will be collecting input from the public on how to restructure the cost-benefit analysis process within the agency. Pruitt held up former-President Barack Obama's administration as an example why the process needs improvement.

"Many have complained that the previous administration inflated the benefits and underestimated the costs of its regulations through questionable cost-benefit analysis," Pruitt said in a statement. "This action is the next step toward providing clarity and real-world accuracy with respect to the impact of the agency's decisions on the economy and the regulated community."

Republicans accused Obama's EPA of miscalculating the economic impact of new environmental regulations.

One such example is the Clean Power Plan, enacted under Obama to cut carbon emissions from power plants. When calculating the impact of the regulation, the EPA under Obama found the social cost of carbon to average \$36 per ton.

Economists criticized that measurement and others, alleging the EPA used metrics crafted to reach a certain outcome.

Under Pruitt, the EPA measured the social cost of carbon again and found it to be several times lower at only \$5 per ton.

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**Washington Examiner**

<https://www.washingtonexaminer.com/opinion/op-eds/scott-pruitts-fuel-economy-rollback-is-hurting-american-consumers>

**Scott Pruitt's fuel economy rollback is hurting American consumers (\*Op-Ed)**

By Mark Cooper and Jack Gillis, 6/8/18, 12:00 AM

It would be nice if the leader of the Environmental Protection Agency truly believed in protecting the environment and people. Failing that, it would be nice if he'd at least get his facts straight.

Unfortunately for American consumers, EPA Administrator Scott Pruitt, who has a long history of attacking the agency he now heads, seems to believe everything corporate lobbyists tell him. A case in point: his decision to roll back carefully crafted fuel-economy standards for passenger cars and trucks, which would save consumers \$3,200 per car and \$4,800 per truck over the lifetime of their vehicles. He's making these savings vanish into thin air and breaking a promise the government and automakers made to the American people.

Every argument he raises against improving fuel economy is just plain wrong. For example, national fuel-economy standards grade automobiles on a curve: SUVs don't have to get as many miles per gallon as small cars do. But Pruitt ignores this fact and tries to argue that the popularity of SUVs somehow makes it harder for automakers to meet fuel-economy standards.

Of course, Americans love their SUVs and pickup trucks — but they love them even more when they go farther on every gallon of gas, and sales data proves it. SUVs that have boosted fuel efficiency by 15 percent or more have enjoyed sales that are 20 percent higher than SUVs whose fuel efficiency has increased by less than 15 percent.

By design, the fuel-economy standards phase in gradually over the years, because it takes time to develop new models. And over these years, we've learned that automakers' compliance costs have turned out to be lower than originally projected, while clean-car technology costs are dropping fast. Yet rollback proponents falsely claim these costs are high.

To ease the transition to making more fuel-efficient vehicles and ensuring that manufacturers had enough time to comply, automakers were given temporary extra credits and flexibility for several years. Now that those breaks are coming to an end, as planned, automakers are pointing to dwindling credits and less flexibility as evidence that it's suddenly getting harder to meet the standards. The truth is they're dragging their feet, and the EPA seems poised to reward their bad behavior.

If you simply look at the monetary costs and benefits associated with the stronger fuel-economy standards that Pruitt plans to roll back, about 80 percent of the benefits take the form of consumer savings. This is extra money that helps balance the budgets of American families and businesses alike across the country.

Over the lifetime of the vehicle, that extra money is helping to pay for other improvements, including safety. Our latest research shows that drivers of "all-new" vehicles introduced in 2018 will save an average of \$2,605, compared to their 2011 models, which eclipses the average sticker price increase of \$2,127. So not only will fuel savings cover any cost of fuel saving technology, but also all of the other costs that go into carmaker price increases like new safety features, technology and designs.

As fuel economy improves, more advanced safety features, such as blind-spot detection and lane keeping assist, are being added to these "all-new" models, proving that when it comes to protection for your family and fuel savings, you don't have to choose. Fuel efficiency makes safety affordable.

And there's a gross misunderstanding on the EPA's part about low-income consumers, who spend more on gasoline as a percentage of income, and who need more efficient vehicles the most. People living paycheck to paycheck overwhelmingly tend to buy used vehicles. Efficient new cars eventually become dramatically cheaper - but still very efficient - used vehicles. And yet supporters of the fuel-economy rollback have the gall to claim that stronger fuel economy standards will somehow hurt low-income households — a claim that has been thoroughly refuted.

Moreover, today's cars are the safest, most efficient, most desirable cars, trucks and SUVs in history, and consumers are responding by buying them in record numbers. Each year more new, fuel-efficient, and safer vehicles are driving on our nation's roads, while less safe and less fuel-efficient vehicles are being retired. This means our national fleet is becoming more fuel efficient and safer each year — with fuel economy standards paying for safety improvements

Rather than listen to these facts, and the wishes of the American people, this administration seems to be bowing to the desires of corporate lobbyists and polluting industries. And they don't even bother coming up with convincing arguments to justify their terrible decisions.

We want to see EPA get the facts straight, fulfill its responsibility and maintain strong national fuel economy standards that are making the newest, safest cars more affordable than ever for consumers.

*Mark Cooper is director of research for the Consumer Federation of America (CFA) and Jack Gillis is CFA's incoming executive director and author of The Car Book. CFA is a national association of nearly 280 non-profit organizations working to advance the interests of consumers.*

## Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/06/pruitt-takes-credit-for-ozone-reductions-tied-to-bush-obama-administrations-1380505>

### **Pruitt takes credit for ozone reductions tied to Bush, Obama administrations**

By Alex Guillen, 6/8/18, 11:14 AM

EPA Administrator Scott Pruitt today took credit for notching up environmental achievements — even though they were mostly due to previous administrations' actions.

Speaking before the Faith and Freedom Coalition, a conservative Christian non-profit, Pruitt argued that his critics have ignored his accomplishments.

"Here's a newsflash: Air quality is better in this country since the Trump administration came into office. Ten percent better on ozone under this administration," Pruitt said.

Many of the last year's ozone gains, however, have come from continuing implementation of the 2008 ozone standard set under the Bush administration, and to a lesser extent from the Obama administration's 2015 rule that tightened that standard further.

EPA said the 10 percent drop came from the number of counties initially designated as failing to meet the 2008 standard by the Obama administration versus Trump-era designations under the more stringent 2015 standard.

Pruitt initiated a review of the 2015 rule in what was seen as a precursor to repealing it, but has not yet taken action. Meanwhile, federal courts have ordered EPA to take the next steps in implementing the 2015 standard, forcing EPA to finish issuing area designations for most of the U.S.

Pruitt also plugged his work to clean up Superfund sites around the U.S. "This year we will see as many as ten times the number of sites cleaned up under this administration than what existed with the Obama administration in one year," he said.

Because of the lengthy nature of Superfund clean-ups, which can take years or even decades, sites currently being removed from the Superfund list often saw their remediation begin under the Obama administration. President Barack Obama delisted 60 Superfund sites over eight years, according to EPA's website. Pruitt has delisted seven so far.

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## Politico

<https://subscriber.politicopro.com/agriculture/article/2018/06/biofuel-deal-stalemate-keeps-pressure-off-refiners-601426>

### **Biofuel deal stalemate keeps pressure off refiners**

By Eric Wolff, 6/8/18, 2:33 PM

Ethanol backers praised President Donald Trump this week for blocking changes to the biofuel program that they feared would be a setback for the corn-based fuel, but experts say it's oil refiners who are getting all the benefits from the stalemate.

Iowa Republican Sens. Chuck Grassley and Joni Ernst both thanked Trump on Tuesday for refusing to sign off on a deal to alter the Renewable Fuel Standard to expand sales of E15 fuel but allow exports of ethanol to qualify for compliance credits, a change that would have sharply increased the number of those Renewable Identification Numbers in the market.

Though refineries have portrayed that increase in RINs as a necessary approach to bring down their cost of compliance, the dozens of economic hardship waivers that EPA Administrator Scott Pruitt has granted to small oil processors has already pushed the cost of those credits to their lowest levels in five years. And the failure to reach an agreement on changes to the RFS mean those EPA waivers will stay in place for now.

"No deal allows the EPA to continue to implement actions as they see fit, and those have been benefiting refiners," said Andy Lipow, an oil industry analyst with Lipow Oil Associates. "[Pruitt's] actions are geared toward helping manufacturing, and the oil industry is just one of the many he's been helping through the deregulation process."

Ethanol producers say EPA has de facto lowered the legal ethanol blending mandate for U.S. refiners by at least 1.5 billion gallons by issuing the waivers. That, as well as the chatter about allowing RINs on exports, drove RIN prices down to 18 cents per gallon on Monday, a dramatic fall from prices near \$1 last August, according to energy price data service OPIS. Those prices has ticked up slightly to 21 cent per gallon by Thursday.

And RIN prices aren't expected to rise much, even though any deal is on hold for now.

"The only reason RIN prices are as high as they are today is uncertainty of small refinery policy," said Neelesh Nerurkar, an analyst with ClearView Energy Partners. "Just because a reform deal is on ice, doesn't mean RIN prices should shoot up."

Both Grassley and Ernst have been critical of Pruitt — who Ernst derided as "about as swampy as you get" this week — and ethanol groups expect that he will continue to be sympathetic to the complaints of the refiners. Pruitt was seen at dinner this week with Sen. Ted Cruz (R-Texas), who has championed the refiners' arguments in the White House talks.

"It's clear that the refiners have the ear of Administrator Pruitt," said Brooke Coleman, executive director of the Advanced Biofuels Business Council. "We feel like Administrator Pruitt is going to stay at it."

While the corn growers and ethanol backers have been pleased Trump has stuck to his promise to support the biofuel, some refiners say the agricultural groups may be missing an opportunity to stake out a real compromise solution that allows them to sell more fuel, especially since Pruitt's EPA could find new ways to help the oil industry.

"There's going to be some changes in this program," said a refining industry source. "If anything, changes [ethanol producers] want to the RFS program will come with a price attached to it that is stability for RINs. They had a golden opportunity to get what they want the most. There are other options that almost certainly will proceed if this option is off the table."

EPA declined to comment on whether the agency would seek future changes to the RFS, but Pruitt has aggressively explored ways to change the program. Last fall he proposed cutting biodiesel requirements in half. When that effort failed, he put the word out that the agency would be taking a broader interpretation the rules allowing small refiners facing economic hardship to be exempted from requirements, according to an oil industry source.

EPA has reportedly granted waiver exemptions to the RFS to over two dozen refiners, along with retroactive exemptions to two refiners dating back to 2014. In at least once case, EPA granted an exemption to a refinery even though it exceeded the 75,000 barrel-per-day capacity definition of "small refinery" because the plant operated at lower volumes. Pruitt also granted a waiver to refiner Philadelphia Energy Solutions as part of the refinery's bankruptcy proceedings.

Those waivers have helped bring the RIN prices down, a core goal for the refiners, but one that ethanol producers complain removes an incentive for oil industry players to develop new infrastructure to increasing fuel blending.

Advanced Biofuel's Coleman suggested that Pruitt was pushing the limits of the program without concern that the changes could be cut down in court — even as questions about Pruitt's future swirl because of the growing number of scandals around him.

"At the end of the day the political cost of all of this stuff ultimately falls on an administration that is unlikely to include him. One has to wonder if his systematic dismantling of the RFS is something that comes to his benefit and to no one else and that's fine with him," Coleman said.

Members of Congress working on a legislative overhaul of the RFS would prefer to see EPA and the administration stop mucking around with the program. Sen. John Cornyn (R-Texas) and Rep. John Shimkus (R-Ill.) have been working on a bill to make broader changes. Supporters of a legislative fix worried that big administrative changes would suck the life out of an overhaul bill.

"The inability to reach a deal on administrative changes to the RFS perfectly illustrates the need for an enduring, legislative solution," said Jordan Haverly, a Shimkus spokesman. "That goal is no less difficult to reach, but it's the only way we'll get to an agreement that works for growers, producers, refiners, automakers, marketers, and most importantly, consumers."

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### **Washington Post**

[https://www.washingtonpost.com/news/energy-environment/wp/2018/06/07/epa-to-review-how-it-adds-up-the-economic-pros-and-cons-of-environmental-rules/?utm\\_term=.141344c272b3](https://www.washingtonpost.com/news/energy-environment/wp/2018/06/07/epa-to-review-how-it-adds-up-the-economic-pros-and-cons-of-environmental-rules/?utm_term=.141344c272b3)

### **EPA to review how it adds up the economic pros and cons of environmental rules**

By Dino Grandoni and Chris Mooney, 6/7/18, 6:06 PM

Under President Trump, the Environmental Protection Agency has sought to change the way its researchers review science. Now the agency is taking aim at the way it does economics.

The EPA took an initial step this week toward changing how it calculates the economic benefits and costs of regulatory decisions, a revision long sought by conservative allies of Trump.

Under many environmental laws, the agency is required to tabulate the economic pros and cons of measures imposed on companies to reduce air and water pollution. For years under President Barack Obama, conservatives complained that agency officials overestimated the health and financial benefits of reducing carbon emissions from power plants.

So on Thursday, the EPA announced it will solicit comments from companies, nonprofits and members of the public about how to do such cost-benefit analyses differently — bringing into the agency a long-running debate over how the government justifies new rules.

"Many have complained that the previous administration inflated the benefits and underestimated the costs of its regulations through questionable cost-benefit analysis," EPA chief Scott Pruitt said in a statement Thursday. "This action is the next step toward providing clarity and real-world accuracy with respect to the impact of the Agency's decisions on the economy and the regulated community."

The nation's major anti-pollution laws, the Clean Air Act and Clean Water Act, along with a number of other environmental statutes require the EPA to conduct cost-benefit analyses when writing new rules. But Pruitt's EPA argues that the laws are inconsistent in describing how such analyses are done and is pushing for what it calls uniformity and transparency.

Environmental groups reacted to the EPA's announcement with dismay. Ana Unruh Cohen, managing director for government affairs at the Natural Resources Defense Council, suggested such rulemaking could obscure the benefits of anti-pollution rules to the public.

Pruitt's actions are "founded on a big lie: that federal rules cost more than the benefits," Cohen said. "In fact, the opposite is true — by a country mile."

Michael Greenstone, an economics professor at the University of Chicago who served on Obama's Council of Economic Advisers, said the EPA's notice for the proposal was itself fairly "vapid," but the news release that accompanied it critically singled out examples of analyses from the Obama administration, suggesting the EPA is heading in a particular direction.

For instance, the agency faulted how the Obama administration took into account co-benefits, those that come from "reduced emissions of a pollutant that is not the actual target pollutant of a regulation." The proposal cited the Clean Power Plan, which targeted carbon dioxide emissions but justified the regulation based on large benefits from reducing the health impacts of particulate air pollution, which decreases along with CO<sub>2</sub> when there is less burning of fossil fuels for energy.

"The way I like to think about it is, if I press a button and something good happens, why would I want to not count half of the good that is produced by pressing that button?" Greenstone said. "There's no explanation given."

Greenstone added that Pruitt seems to already have in mind the answer to the question on which the agency is seeking comment. "This appears to be policy-based evidence making. Where you set the policy, and then you go backwards and manufacture the evidence," he said.

Another common complaint among conservatives, according to Diane Katz, a senior fellow at the conservative think tank the Heritage Foundation, is that the EPA compared the domestic costs of reducing carbon emissions against the global benefits of mitigating climate change.

"We've seen them use a number of tricks that we find troubling," Katz said of Obama's EPA.

Lisa Heinzerling, a law professor at Georgetown University who served in the agency under Obama, noted that the proposal is a regulation that applies just to how the EPA does things. Mostly, the agency has not been regulating, she said, but moving to deregulate.

Heinzerling noted a parallel with Pruitt's recent proposal to change how the agency uses science in making regulatory decisions. In April, Pruitt moved to limit which studies the EPA can use in writing regulations to only those for which the underlying data is made public, excluding some landmark research that involves confidential personal or medical histories or proprietary information.

"The striking thing about this and the science proposal is, those are the two really major regulatory initiatives of this administration, and they're both directed at the agency," she said.

"The only thing they're regulating is themselves," she said. "And the reason they're doing that I think is that in the future, the agency will have to go through rulemaking to undo whatever they do here."

The announcement earned quick praise from Republicans in Congress, providing Pruitt political cover during a week when he has weathered new revelations about enlisting EPA staff to help him pick up his dry cleaning, purchase a used hotel mattress and try to secure for his wife a Chick-fil-A franchise.

"During the Obama administration, the Environmental Protection Agency exaggerated the benefits of Washington regulations and misjudged how costly they are to the economy," Sen. John Barrasso (R-Wyo.), chairman of the Senate Environment and Public Works Committee, said in a statement Thursday. "Now the Trump administration is taking important steps to make sure the agency can no longer abuse the cost-benefit analysis process."



## **Gina McCarthy's portrait is done. Pruitt hasn't hung it up**

By Kevin Bogardus and Robin Bravender, 6/8/18

There's a corridor next to Scott Pruitt's office adorned with portraits of past EPA administrators.

Gina McCarthy's picture isn't there.

A portrait of President Obama's EPA boss has been prepared but was being stored in the office of a career agency official as recently as last winter, according to former EPA officials. Ex-EPA aides tried to set up a formal unveiling at the agency now run by President Trump's appointees, but that hasn't happened, according to one former staffer.

EPA won't say where McCarthy's portrait is now.

Some career employees grumble that they can no longer walk through part of the building that has long been an accessible passageway, and that they can't take guests to see the portraits anymore. Meanwhile, the floor where the administrator's office is located now has several photos of Pruitt lining the walls.

An EPA spokeswoman said the agency is working with McCarthy's staff to set up a time to unveil her portrait.

"We are engaging with Ms. McCarthy's staff to find a time to hold an unveiling ceremony," said Nancy Grantham with EPA's public affairs office.

Earlier this year, McCarthy's portrait was being stored in "what we called the facilities office," Ron Slotkin, the former director of EPA's multimedia office, who retired this past January, told E&E News.

"For all previous portraits, I was involved in staging and covering the unveiling ceremonies," Slotkin said.

Portrait unveiling ceremonies have long been seen as rites of passage among Washington dignitaries — past Senate-confirmed EPA administrators' portraits are hanging outside of Pruitt's office. Slotkin said EPA chiefs typically have their portraits completed and unveiled in a ceremony right before they leave, but that didn't happen with President Obama's last administrator of the agency.

"As for Gina's, we expected to do hers in her time, too. I think everyone was in shock with the Trump win. We lost track," Slotkin said.

McCarthy hasn't been shy about publicly criticizing Pruitt.

She told E&E News last month: "I am surprised that the position of administrator of EPA could be embroiled in so much scandal, both ethical questions as well as questions of paying attention to science and paying attention to the mission of the agency. I have to say that I just never thought I would live to see this day, and frankly, I hope none of us would ever see it or see it again."

Pruitt has been a strident critic of EPA under the Obama administration.

The current EPA administrator has sought to roll back several of the agency's rules, pushed for the United States to leave the Paris Agreement and has targeted Obama's green record, saying the last president was no "environmental savior." As Oklahoma's attorney general, Pruitt sued EPA several times and called himself "a leading advocate against the EPA's activist agenda" in his online biography.

Still, the animosity between the two administrations was put to rest at other agencies when it came to portrait ceremonies. Last August, Energy Secretary Rick Perry welcomed his predecessor, Ernest Moniz, back to the department to unveil his likeness.

McCarthy's portrait — now languishing at EPA — is a photo, unlike those of her predecessors. That's after an uproar sparked by the high cost of official portraits by past officials — former Obama EPA Administrator Lisa Jackson's portrait cost about \$40,000 (Greenwire, June 13, 2014).

For several years, Congress tucked language into government spending bills that halted spending on paintings of all government workers. Earlier this year, President Trump signed a bill that permanently banned the use of taxpayer cash for painted portraits of government officials.

McCarthy met with photographer Chris Smith on Jan. 11, 2017. On Jan. 13, just a few days before Trump took office, McCarthy was scheduled to have her portrait photo taken, according to her calendar obtained by E&E News under the Freedom of Information Act.

McCarthy's photo was taken leaning against a chair in what's now Pruitt's office, said the former EPA employee, who saw the portrait.

McCarthy declined to comment for this story.

Portraits of past EPA administrators have been hanging in the agency's headquarters dating back to 2005, according to past EPA administrators.

Bill Reilly, who was EPA chief during the George W. Bush administration, and Clinton-era Administrator Carol Browner recall their portraits being unveiled during that ceremony, which coincided with EPA's 35th anniversary. The ex-administrator's families were invited to the event; Reilly's daughter attended, he said. Reilly still has a few portrait cards that were made to commemorate the day.

President George W. Bush was in the White House then, and Stephen Johnson was EPA administrator, Slotkin said. Separate portrait ceremonies were later held for Johnson and Jackson, Slotkin added.

#### 'Pruitt's path'

Since Pruitt has arrived at the agency, several photos of him have popped up around the agency — in framed shots hanging on walls and stand-up placards in hallways.

Slotkin said that was no accident, and that Trump political appointees wanted to have pictures of Pruitt throughout the agency. He and his staff worked to make that happen, with top aides for the new administration hanging Pruitt photos in their offices.

"The same was true of other politicals dressing the walls in their offices to make them look like they loved him. We even assembled, printed and framed news and magazine articles," he said.

Slotkin said several photos of Pruitt in action were hung in what he called "Pruitt's path" — a walk in EPA headquarters that the administrator could take to get to his office.

"Anywhere Pruitt walked, he could see himself," Slotkin said. "This included posters of Pruitt at elevator lobbies, too. We were disgusted that the purpose of EPA was discarded and replaced by Pruitt."

As of this morning, an E&E News reporter saw several photos of Pruitt lining the hallways' walls on the floor in EPA headquarters where his office is located. An EPA spokesman said the agency plans to hang more.

"EPA is very proud of all the environmental successes we have achieved during the Trump administration," said the spokesman.

"As you saw from your visit this morning, photos and placards are placed throughout the agency and represent career and political staff engaging with stakeholders, NGOs and governmental officials to achieve positive environmental outcomes; we hope to hang many more."

The spokesman also noted that Slotkin was no longer with EPA when the photos were selected, printed and hung.

The prevalence of Pruitt photos in EPA headquarters has caught employees' attention.

"There does seem to be a lot more propaganda propped up in the hallways than in prior administrations. And it's pretty clearly propaganda in a way we haven't seen before," said one employee. "Almost every poster they put up in the hallways has a picture of him."

Another said, "You would not know that anyone worked at EPA except for him."

Photos of Pruitt are elsewhere in the EPA complex, too.

A small framed portrait of the current EPA chief is in the agency's one-room history exhibit in the Ronald Reagan Building — spotted this morning hanging next to an ATM machine.

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## **BNA**

[http://esweb.bna.com/eslw/display/no\\_alpha.adp?mode=si&frag\\_id=135745119&item=408&prod=deln&cat=AGENCY](http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=135745119&item=408&prod=deln&cat=AGENCY)

### **EPA to Increase Transparency of Detergent Chemicals Releases**

By Sam McQuillan, 6/8/18

EPA is boosting its mandatory list of chemicals that companies must report by adding 13 compounds used in cleaners and detergents.

The Environmental Protection Agency added the chemicals to its Toxics Release Inventory, a program that obligates companies to report what they emit to air, discharge to water, and release to soil for the public record. The TRI program was created as a part of the 1986 Emergency Planning and Community Right-To-Know Act, which promotes disclosure of pollution amounts and trends.

The regulation adds 13 specific nonylphenol ethoxylates to those compounds that need to be reported under the program. These chemicals are used in a wide variety of industrial applications and are present in adhesives, paints, laundry detergents, and some dust-control agents. Their release can be toxic to fish and other aquatic organisms, according to the EPA.

"By making information about industrial management of toxic chemicals available to the public, community members, researchers, industrial facilities, investors, and government agencies can make more informed decisions that impact human health and the environment," EPA Administrator Scott Pruitt said in a June 7 statement.

The first reporting forms will be due July 1, 2020. Chemical facilities that meet minimum TRI reporting thresholds will begin collecting information on January 1, 2019.

The California Department of Toxic Substances Control will host a public workshop on June 11 in Sacramento to receive comments on [its proposal](#) to prioritize nonylphenol ethoxylates in detergents as priority products under the state's Safer Consumer Products Regulations. The proposal is open for public comment [here](#) and the workshop also will be available via [webcast](#).

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## **New York Times**

[https://www.nytimes.com/2018/06/07/us/chip-joanna-gaines-fixer-upper-lead-paint.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream\\_unit&version=latest&contentPlacement=1&pgtype=collection](https://www.nytimes.com/2018/06/07/us/chip-joanna-gaines-fixer-upper-lead-paint.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection)

### **HGTV's Chip and Joanna Gaines Will Pay Fine Over Lead Paint Violations**

By Sandra E. Garcia, 6/7/18

Chip and Joanna Gaines, the stars of the HGTV television show "Fixer Upper," have settled with the United States Environmental Protection Agency over allegations that they violated rules for the safe handling of lead paint during home renovations.

The Gaineses have agreed to pay the E.P.A. a civil fine of \$40,000 and to inform their audience about the dangers of lead-based paint. Under the agreement, they will also take steps to ensure that their home renovation company, Magnolia Homes, is in compliance with E.P.A. regulations, the agency said.

"Through this settlement, Magnolia is putting in place safeguards to ensure the safety of its renovation work and making meaningful contributions toward the protection of children and vulnerable communities from exposure to lead-based paint," Susan Bodine, the assistant administrator in the E.P.A.'s Office of Enforcement and Compliance Assurance, said in a statement.

Magnolia Homes was contacted by the E.P.A. three years ago and "took immediate steps to bring its activities into compliance," John Marsicano, a spokesman for the company, said in a statement.

As part of the settlement, Magnolia Homes will also spend \$160,000 in Waco, Tex., where the company was founded, to decrease lead-based paint hazards in homes where residents are at high risks for exposure to dust from such paint, according to the E.P.A.

In "Fixer Upper," the Gaineses make over newly purchased homes. During an hourlong episode, they demolish parts of the house, renovate it and reveal it to the homeowners.

The Gaineses have used the final season of their show to talk about the dangers of having lead-based paint in homes. In one episode, Mr. Gaines discusses testing an old home for lead-based paints and talks about the E.P.A.'s lead renovation, repair and painting rule, known as the R.R.P. rule. The couple is also producing an online video about renovating homes that have lead-based paint.

The E.P.A. banned the use of lead-based paint in homes in 1978, but homes built before that year probably still have such paint, making safety during home renovations a top priority of the agency.

The R.R.P. rule requires that companies renovating homes and schools built before 1978 are certified by the E.P.A. and "follow lead-safe work practices to contain dust in the renovation work area and contain the waste during its disposal," according to the agency.

Mr. Marsicano said Magnolia Homes would continue "to be proactive with our efforts to ensure total compliance moving forward, and remain committed to raising awareness in our community and our industry."

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**AP**

<https://apnews.com/8b86e6fab6a649c68a323f7dd934fd4e/Idaho-utility-sues-EPA-over-Hells-Canyon-dams-requirement>

## **Idaho utility sues EPA over Hells Canyon dams requirement**

By Keith Ridler, 6/7/18

BOISE, Idaho (AP) — An Idaho utility has filed a lawsuit against the U.S. Environmental Protection Agency contending the agency failed to act on a request by the state of Idaho to modify water temperature standards below a hydroelectric project where federally protect fall chinook salmon reproduce.

The lawsuit filed Wednesday by Idaho Power Company in U.S. District Court seeks to force the agency to act on a 2012 request by Idaho allowing warmer water temperatures in the Snake River below the Hells Canyon Complex on the Idaho-Oregon border.

SNAKE RIVER fall chinook were listed as threatened under the Endangered Species Act in the 1990s. A recovery plan released late last year by federal agencies identified the Snake River below the dams as the best spot for boosting the number of naturally reproducing spawning fish for the cold-water species.

Hells Canyon is a mile-deep (1.6-kilometer) canyon carved by the Snake River, much of it popular for recreation but inaccessible by road. The three-dam Hells Canyon Complex built from the late 1950s through the 1960s partially tamed the river.

Idaho Power in the lawsuit said the EPA is violating environmental and administrative laws.

“EPA’s failure to take action is an intentional filibustering tactic designed to effectively deny approval,” the company said.

EPA spokeswoman Suzanne Skadowski did not immediately respond Thursday to a phone message seeking comment.

Idaho Power cites studies by scientists with National Oceanic and Atmospheric Administration Fisheries that concluded changing the water temperature standards would not harm salmon.

But the change could reduce the cost of electricity, the company said, saving customers up to \$100 million over 50 years.

When the water temperature standards aren’t met, Idaho Power must pay for mitigation for potentially harming fall chinook. The proposed temperature standard change would mean Idaho Power would have to pay for less mitigation, which involves improving habitat upstream of the dams with the goal of reducing water temperatures.

Specifically, the new proposed temperature standards would raise the allowable water temperature below the dams from 55.4 degrees to 58 degrees from Oct. 23 to Nov. 6.

Those two weeks are critical for fall chinook that are spawning and putting eggs in river bed gravel that might not survive if the water gets too warm.

Idaho Power said river temperatures under the current standard have never been met, with records going back to 1991. The company said the new standard wouldn’t be met in most years, but the level of mitigation to pay would still be less than under the current standard.

Idaho Gov. C.L. “Butch” Otter, a Republican, has also pushed for the new standard. In a Dec. 4 letter to EPA Administrator Scott Pruitt, he asked that the federal agency approve the proposed standards “so that it can become effective immediately.”

But Chris Hladick, regional administrator for the EPA, responded on April 23 that the agency was focusing its efforts on coordinating with the Idaho Department of Environmental Quality and others to resolve relicensing details.

Idaho Power's 50-year license for the Hells Canyon Complex with the Federal Energy Regulatory Commission expired in 2005, and it has been operating the dams under annual licenses renewed each August.

Brett Dumas, director of environmental affairs for Idaho Power, said the temperature standards are related to the relicensing but are also a stand-alone issue the company would like to get resolved.

On another front, Idaho Power in February petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review a 2017 decision by the Federal Energy Regulatory Commission dismissing the utility's request that it exempt the Hells Canyon Complex from an Oregon law requiring fish passage as part of relicensing. Idaho, meanwhile, has a law preventing wild fall chinook salmon from being transported above the dams.

That case has been put on hold while the two states and Idaho Power try to reach an agreement.

Idaho Power supplies electricity to nearly 534,000 customers in southern Idaho and eastern Oregon. The Hells Canyon Complex in a normal water year produces about 30 percent of the company's total annual power generation.

**From:** POLITICO Pro Energy [politicoemail@politicopro.com]  
**Sent:** 6/8/2018 9:44:28 AM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** Morning Energy: Dam fight tests states' infrastructure projects — Pruitt to speak today — Don't block the MOX

By Kelsey Tamborrino | 06/08/2018 05:42 AM EDT

*With help from Anthony Adragna, Ben Lefebvre, Darius Dixon and Annie Snider*

**THE DAM THING:** A brawl is brewing between Maryland's Republican governor, Larry Hogan, and Exelon Corp. over one of the country's largest privately owned dams, Pro's Annie Snider reports — and it could determine how assertive states can be when regulating major infrastructure projects.

**Hogan's administration is trying to force** the utility to pay up to \$7 billion to reduce pollution flowing through its Conowingo dam, which is located just upstream of the Chesapeake Bay, as a condition of renewing its operating license for another 50 years. Exelon says it may shut down the dam rather than pay to fix a problem it did not cause. But first, it's heading to court.

**The Supreme Court has given states broad leeway** to set environmental requirements for infrastructure through authority granted by the Clean Water Act. And Maryland says it is stepping in because the Conowingo facility would raise pollution levels in violation of state water quality standards. But Exelon retorts the state's approach exceeds the boundaries of the federal water law, setting up a key test that will be closely watched around the country.

**The ensuing fight is a perfect example** of what critics say is some states using the water law to block projects they oppose for other reasons. "If there's a state who just doesn't like something, an application that's been made, they can stall it for the year and then they hold the applicant over a barrel by saying, 'We'll either deny it or you withdraw it,'" Sen. Jim Inhofe said during an infrastructure hearing last month. Read more here.

**WE MADE IT TO FRIDAY!** I'm your host Kelsey Tamborrino. No one was able to guess that the 95th Congress had the largest number of veterans. Between 1977 and 1978, and just after the draft ended in 1973, the 95th Congress had 412 veterans. For today: Before President Donald Trump, who was the last president to propose a rescissions package? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning\_Energy, and @POLITICOPro.

**Register for the Pro Summit:** Join Pro subscribers, expert reporters and key decision-makers from the executive branch, federal agencies and Congress for a full day of incisive policy conversations on July 17. Speakers include: Rep. Joe Crowley (D-N.Y.), Chairman, House Democratic Caucus, Kevin McAleenan, Commissioner, U.S. Customs and Border Patrol, and others. Register today.

Join the Global Public Affairs Club, a new global community dedicated to **C-level public affairs professionals** launched by POLITICO's sister company, DII. Members receive the **GPAC weekly newsletter**, including original reporting and analysis on **new transparency standards, recent lobbying regulation, risk management and industry best practices**. In addition, members have access to the Global Public Affairs Forum on Sept. 28 in Paris. For additional information on GPAC, email Chloé Mimault-Talagrand at cmimault@dii.eu.

**PRUITT SPEAKS:** EPA Administrator Scott Pruitt is scheduled to deliver remarks this morning at the Faith and Freedom Coalition "Road to Majority" conference, an annual event where proverbial conservative activists take the stage to discuss issues of faith and the "pro-family majority" in Washington. The conference kicked off Thursday, and Vice President Mike Pence will speak Saturday.

**ON TAP TODAY:** The House late Thursday made it through the energy and water spending amendments to the chamber's "minibus" appropriations package. A final vote on the overall bill, which also includes legislative branch and military construction-VA spending, is expected today. Here's a look at how some of the amendments did:

— **The Trump administration's** proposal to sell off electric transmission assets owned by the Tennessee Valley Authority and DOE's power marketing administration got the bipartisan boot Thursday. Nineteen lawmakers ranging from Oregon Rep. Earl Blumenauer to Texas Rep. Louie Gohmert secured an unopposed amendment to block any sale.

— **Yucca Mountain opponents still overwhelmed.** Nevada's three Democratic representatives were defeated on two amendments seeking to block the long-stalled nuclear waste project and didn't bother seeking to put them up for a vote.

— **Lawmakers shot down** an effort to punish Western Area Power Administration chief Mark Gabriel by slashing his salary to \$1.

— **GOP lawmakers squelched efforts** by Democrats to strip hot-button policy riders, including one blocking the Army Corps of Engineers from requiring a permit for wetlands damage in certain agricultural areas.

**THE CHICKEN OR THE IG:** Three Democratic senators asked EPA's inspector general Thursday to review whether Pruitt used his office to seek out business opportunities benefiting his wife, citing recent reports that the embattled administrator had an aide contact Chick-fil-A executives to explore whether his wife could open a franchise. Sens. Tom Udall, Tom Carper and Sheldon Whitehouse also pointed to his wife's work for the New York nonprofit Concordia, which paid her \$2,000 to help set up a conference last year at which Pruitt spoke. Pro's Alex Guillén has more here.

**Following news this week that coal magnate Bob Murray** delivered drafts of six executive orders to the president at the beginning of his administration, Whitehouse and Carper separately asked the EPA IG to investigate whether EPA withheld documents, or misrepresented to Congress, the influence of Murray and others. Read that letter here.

**POPE MEETS BIG OIL:** Pope Francis and Vatican officials plan to meet today and Saturday with leading oil executives, in what is expected to be an attempt to persuade them to take action on global warming. Vatican spokesman Greg Burke previously told the AP today's meeting is a follow-up to the pope's encyclical three years ago calling for action to address climate change. Cardinal Peter Turkson, who spearheaded the encyclical, set up today's conference with the executives. The pope himself will speak to the leaders on the second day of the summit, Burke said. Officials haven't confirmed today's line-up, but BP previously confirmed to AP that its CEO Robert Dudley plans to attend, as well as Exxon Mobil CEO Darren Woods.

**MURKOWSKI'S THOUGHTS ON PRUITT:** GOP Sen. Lisa Murkowski said she hadn't seen the most recent allegations concerning used mattresses and Chick-fil-A, but called the unending stream of revelations distracting. "What I'd really like to know is how we coming on our small and remote incinerators rule? What are we doing with the fish waste grinding regs?" she told ME, referring to regulations of particular importance to her state of Alaska. "When you're distracted, how do you make sure that the expectations that we all have about what's coming out the agency are met?" At a budget hearing last month, Murkowski warned Pruitt's deregulatory efforts were being "overshadowed" due to "legitimate questions that need to be answered" related



to his management of the agency.

**G-7 BEGINS WITH FRUSTRATION:** The G-7 summit kicks off today in Quebec — and already Trump's positions on climate have become a sticking point. French President Emmanuel Macron told Bloomberg this week he wants to make progress in discussions on tariffs, the Paris climate agreement and the Iran nuclear deal before signing the usual joint statement, which details a range of policy issues.

**Trump — who will depart early** and skip some sessions focused on climate change — is so far out of step with his fellow leaders that one official involved in the drafting of the leaders' declaration said there was concern that the U.S. would object to any use of the phrase "climate change," our European colleague David Herszenhorn reports.

**DON'T BLOCK THE MOX:** A district judge in South Carolina granted the state a preliminary injunction Thursday preventing the Energy Department from winding down the long-troubled MOX nuclear project in the Palmetto State. "Without a preliminary injunction, the State will suffer irreparable harm," District Judge J. Michelle Childs wrote in the 36-page order, noting how DOE intended to issue a full stop work order to start winding down MOX and terminating employees at the Savannah River Site early next week. Terminating the project is one of the few big decisions where the Trump and Obama administrations are in agreement. The judge vacated a partial stop work order DOE issued in May, blocked any full stop order and were ordered to "maintain the status quo by continuing the MOX Project" until the state's lawsuit to protect the effort runs its course.

**MAKING WALKER TIP TOE:** The Energy Department's top electricity policy official was put on the spot Thursday when he was asked to square the Trump administration's push to use federal emergency powers to help struggling coal and nuclear plants with his own comments that suggested his skepticism. In February, Bruce Walker, who has spent his whole career in the electricity sector and quickly won the respect of staff in his office, told reporters that his office "would never use a 202 to stave [off] an economic issue. ... It's not designed for that."

**Since then, however,** FirstEnergy has filed an emergency request for power plants and DOE drafted a document suggesting that Energy Secretary Rick Perry invoke the so-called 202(c) authorities to keep them running. And when Rep. Don Beyer asked Walker at a House Science Committee hearing if his earlier comments implied that he wouldn't authorize a 202, Walker would only say that FirstEnergy's application was under review and otherwise gave the Virginia Democratic terse responses.

**WAR OF WORDS:** The Interstate Natural Gas Association of America said it was "deeply troubled" by the administration's proposed coal-and-nuclear bailout on Thursday, accusing the administration of attempting to punish gas. "There is absolutely no justification for the extreme intervention in energy markets suggested in the draft National Security Council memo," INGAA President and CEO Don Santa said. "Such a move would be bad public policy, costly to American consumers and the economy, and legally questionable."

**In a response,** DOE spokeswoman Shaylyn Hynes said that the "assertion that this Administration is attempting to 'punish' natural gas is absurd." She added that DOE "views natural gas as a vital part of our energy mix" and that it also "recognizes that there are serious threats and vulnerabilities to critical infrastructure nationwide, including pipelines." Hynes said all of which is why the department is "undergoing a review of all of the nation's defense critical energy infrastructure under the FAST Act of 2015," adding that resilience of the electric grid "is influenced by everything from cyber threats to the availability of solar power and the retirement of fuel secure units."

**WHERE'S PERRY?** The Energy secretary is scheduled to tour the Oak Ridge National Laboratory in Tennessee today, where he'll meet with employees and deliver remarks.

**PHMSA INVESTIGATING PIPELINE EXPLOSION:** PHMSA has started its investigation into yesterday's explosion at TransCanada's Leach Xpress pipeline in West Virginia and "will determine the cause of the incident and compliance with Federal pipeline safety regulations," an agency spokesman told ME. The accident occurred on a relatively new piece of state-of-the-art pipeline TransCanada had added to its Columbia Gas Transmission system. FERC signed off on construction of the \$1.5 billion, 160-mile project in February 2017, agency documents show, and TransCanada only started shipments along it just shy of a year later, calling it at the time a "best-in-class pipeline." TransCanada, the company behind the planned Keystone XL pipeline, told ME it is cooperating with the investigation.

**NPS SUPERINTENDENT SAYS HE WAS FORCED OUT:** After more than four decades with the National Park Service, Yellowstone National Park's superintendent told the Associated Press he's being forced out as a "punitive action" following disagreements he had with Secretary Ryan Zinke over how many bison the park can sustain. "I feel this is a punitive action but I don't know for sure," Dan Wenk said. Wenk last week announced he would retire March 30, 2019, after being offered a transfer he didn't want to take. He was then informed this week by NPS Acting Director Dan Smith that a new superintendent will be in place in August and that he would be gone by then, Wenk said. Read more.

**HEARTLAND LENDS PRUITT A HELPING HAND:** In response to a federal judge who ordered EPA to search for records to a FOIA request related to Pruitt's March 2017 interview, where he said carbon dioxide is not a "primary contributor" to global warming, the Heartland Institute — a group that lobbies against climate action — said it sent copies of "Climate Change Reconsidered " reports to Pruitt. In a letter from the group's president, Tim Huelskamp, he urges Pruitt to use the more than 3,000 pages to provide support to the conclusion that human activity is not the largest factor driving global climate change. Read the letter here.

**NEW LAWYER IN BLANKENSHIP CASE:** The administration has once again changed lawyers in former Massey Energy CEO Don Blankenship's effort to have his criminal mine safety conviction thrown out, the Charleston Gazette-Mail reports via court records. Assistant U.S. Attorney for the Southern District of Ohio Douglas Squires filed a formal notice that he would be handling the case, which is still pending before U.S. District Judge Irene C. Berger, the outlet reports. That's the second time in as many weeks that the Trump administration has changed lawyers. Read more.

**MAIL CALL! BAILOUT 'FALSE':** More than 30 Democratic lawmakers are calling it a "false narrative" that the president needs to bail out economically struggling coal and nuclear power plants in the interest of electrical grid resilience. The lawmakers call on Perry to stop such rhetoric and "to cease attempting to use emergency authorities to intervene in planned power plant retirements." Read the letter here.

— **The League of Conservation Voters** sent this letter to lawmakers, urging them to vote against the "minibus" bill on the floor today.

— **More than 20 state manufacturing groups**, led by National Association of Manufacturers, sent a letter Thursday to the the U.S. Conference of Mayors, calling on them to stop undermining job creators. "Mayors are signing their names to lawsuits that will do more to undermine the resurgence of the manufacturing sector than to address the issues they intend to solve through the courts," they write.

— **Twelve environmental organizations** signed a letter in opposition to H.R. 3 (115) — the president's rescissions package. Read that here.

**TESTER ON THE ATTACK:** Montana Sen. Jon Tester began airing attack ads against newly minted GOP nominee Matt Rosendale in the race for his seat, according to Advertising Analytics. The ad labels the Republican "Maryland Matt" and hits him for being a real estate developer, who "pushed to transfer our public lands knowing our state would have to sell them off so developers like himself can buy them and cash in while restricting our access to our public lands." See it.

## QUICK HITS

- Billions in U.S. solar projects shelved after Trump panel tariff, [Reuters](#).
- Pruitt enlisted security detail in picking up dry cleaning, moisturizing lotion, [The Washington Post](#).
- The chemical industry scores a big win at the EPA, [The New York Times](#).
- Truck emissions study aimed at EPA limits all along, records show, [Bloomberg BNA](#).
- Pruitt made public servants fetch his protein bars and Greek yogurt, [The Daily Beast](#).
- Record oil exports help cut U.S. trade gap, [The Wall Street Journal](#).

## HAPPENING TODAY

9:00 a.m. — U.S. Energy Association [hosts](#) Kenyan energy minister, 1300 Pennsylvania Ave NW

12:00 p.m. — Atlantic Council [conversation](#) with Vincent DeVito, counselor to the secretary for energy policy at Interior, 1030 15th Street

12:00 p.m. — The Lexington Institute [forum](#) on "Cybersecurity of the Electric Grid," CVC-201

12:00 p.m. — The Environmental and Energy Study Institute [briefing](#) on "The State of Germany's Energy Transition," G-50 Dirksen

12:00 p.m. — NCAC [luncheon](#) on "So, you want to be a renewable energy entrepreneur?" 618 H St NW

## THAT'S ALL FOR ME!

*To view online:*

<https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/dam-fight-tests-states-infrastructure-projects-246240>

## Stories from POLITICO Pro

### **Dam fight tests states' ability to set requirements for infrastructure projects** [Back](#)

By Annie Snider | 06/08/2018 05:01 AM EDT

A brawl between a Republican governor and a major utility company over one of the country's largest privately owned dams could determine how aggressively states can regulate major infrastructure projects.

Maryland Gov. Larry Hogan's administration is trying to force Exelon Corp. to pay up to \$7 billion to reduce pollution flowing through its Conowingo dam, located just upstream of the Chesapeake Bay, as a condition of allowing the company to renew its operating license for another 50 years. The company says it may shut down the dam rather than pay to fix a problem it did not cause. First, though, it is taking Maryland to court to try to reverse its proposal.

The fight over the Conowingo dam isn't just a fight about one dam, as utilities seek to extend the operation of massive hydroelectric dams that will for the first time face requirements of modern environmental laws. And Exelon's lawsuit is one flank of a larger political fight over states' rights that could have major implications for pipelines, nuclear power plants and other major pieces of infrastructure that the Trump administration wants to promote.

The Supreme Court has given states broad leeway to set environmental requirements for major infrastructure projects through authority granted by the Clean Water Act.

"As long as the state is imposing conditions that are reasonably related to those water quality standards, they have the authority to do that," said Pat Parenteau, a professor at Vermont Law School.

Maryland says it is stepping in because the Conowingo facility would raise pollution levels above the state water quality standards it is empowered to protect. But Exelon says the state's approach exceeds the boundaries of the federal water law, setting up a key test that will be closely watched around the country.

Critics say some states use the water law to block projects they oppose for other reasons. For example, New York, which has resisted the fracking boom, is using the same authority to block pipelines that would carry natural gas from shale fields in Pennsylvania. It's a nascent issue that Congress may address in the coming years.

"If there's a state who just doesn't like something, an application that's been made, they can stall it for the year and then they hold the applicant over a barrel by saying, 'We'll either deny it or you withdraw it,'" said Sen. Jim Inhofe (R-Okla.), a senior member of the Senate Environment and Public Works Committee, during an infrastructure hearing last month.

Exelon has asked the Federal Energy Regulatory Commission to put its consideration of the Conowingo relicensing on hold while the litigation and administrative process play out in Maryland. The state's demands could have "widespread economic consequences for the hydroelectric industry" if they set a precedent that is applied elsewhere, Exelon warned in a May 25 letter to FERC. Environmentalists say the company's fears are overblown.

The Conowingo dam has been in operation along the Susquehanna River since 1928, providing enough power to serve nearly 200,000 homes. Exelon has pointed out that it provides 55 percent of Maryland's renewable power, contributing to the state's climate change goals.

The Chesapeake Bay is just 10 miles downstream, and for decades the dam has played a key role in catching nutrient pollution that has washed off farm fields in New York, Pennsylvania and Maryland that would otherwise flow into the already overburdened estuary.

State and federal officials had counted on the dam to continue keeping that fertilizer runoff and other pollution out of the bay when they signed on to a landmark cleanup plan in 2010. But the reservoir behind Conowingo has already reached its capacity, years ahead of schedule. That means not only that the dam has lost its ability to trap pollution, but that during major storms, more of it can be released, washing downstream and overwhelming the bay all at once. Climate change is expected to make these problems worse, and the bay cleanup effort is already woefully behind schedule, according to an analysis released by the Chesapeake Bay Foundation last week.

The federal-state bay cleanup partnership estimates that roughly 6 million additional pounds of nitrogen and 260,000 additional pounds of phosphorus will reach the bay each year because of the dam's lost trapping capacity — that's about 5 percent of all the pollution flowing into the waterway.

The Hogan administration has long argued that the company must bear some of the burden for cleaning up the pollution washing through its facility in order for Maryland to grant the water quality certification it needs for relicensing.

This spring, with Maryland and Exelon still miles apart after months of closed-door negotiations, Maryland ordered Exelon to offset the additional pollution that is estimated to be coming from the dam if it is to progress with relicensing.

The 59-page water quality certification issued by the state gives the company three options for doing that: by dredging the reservoir so it could regain its trapping capacity; by planting trees, restoring wetlands and implementing other best management practices upstream; or by paying the state as much as \$172 million annually to do that conservation work itself, a tab that would add up to more than \$7 billion over the 50-year license.

Ben Grumbles, secretary of Maryland's Department of Natural Resources, said the certification is "detailed, science-based and also flexible," and that its adaptive management approach "will help launch a restoration economy in the Susquehanna watershed."

But Exelon says the certification is unfair because the pollution originates with farmers and cities upstream, and argues the state's demands would make Conowingo too expensive to operate.

"The Dam does not produce any pollution. Rather, the science clearly shows that the pollutants that travel down the Susquehanna River, from New York and Pennsylvania, are the source of the nutrients and sediment that flows into the Bay," the company said in a statement.

At the end of May, Exelon sued Hogan's administration in state and federal court, contending that the certification and its requirements are violations of the law.

Green groups are dubious that Exelon would truly consider abandoning the dam. They expect the cost of offsetting the pollution would come in well below Maryland's \$172 million-a-year cap and that the company can afford it. A December 2017 economic analysis commissioned by environmental groups concluded that the Conowingo dam is bringing in \$115 million to \$121 million annually in revenues.

Moreover, if Exelon decided not to pursue relicensing, the company would face a complex decommissioning process, which would bring its own financial liabilities. Removing the dam altogether is likely not an option, since it is part of an interconnected engineering system on the river that helps keep water levels in check for a number of purposes, including an upstream nuclear power plant and another hydropower dam owned by Exelon.

The outcome of the fight is likely to affect other states, which are contemplating major new environmental requirements for decades-old dams, ranging from pollution reduction to fish passage to flow and temperature requirements. In some cases, the cost of such upgrades is so much that the operator opts to close the facility, leading to a wave of dam removals across the country.

But the courts have largely sided with states in these fights so far.

A 1994 Supreme Court decision upheld restrictions Washington state placed on a hydroelectric dam to protect salmon and steelhead, and in 2016 the high court upheld New York's denial of a water quality certification for the proposed Constitution Pipeline, which would carry natural gas from Pennsylvania.

In a recent closely watched case, FERC and New York took different interpretations of how long the state had to act on a certification for the Millennium Pipeline Co., and FERC gave the project the green light before state

regulators had finished their review. The U.S. Court of Appeals for the 2nd Circuit upheld FERC's actions in March, but the case hinged on procedural issues rather than an interpretation of the state's underlying authority to use water quality certifications to stymie development.

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## **Democrats ask EPA IG to review Pruitt's Chick-fil-A, Concordia connections [Back](#)**

By Alex Guillén | 06/07/2018 03:52 PM EDT

Three Senate Democrats today [asked](#) EPA's inspector general to review whether Administrator Scott Pruitt used his office to seek out business opportunities benefiting his wife.

The lawmakers cite recent reports that Pruitt had an aide contact Chick-fil-A executives to explore the possibility of his wife, Marlyn, opening a franchise of the chicken eatery. They also cited her work for the New York nonprofit Concordia. It paid Pruitt's wife \$2,000 to help set up a conference last year at which Pruitt spoke.

The IG should review whether Pruitt "used his position — acting in his own capacity or through his official staff — to pursue private business opportunities to enrich himself or any members of his family regarding these two cases and any other financial opportunities for Administrator Pruitt's family," wrote Sens. [Tom Udall](#) (N.M.), [Tom Carper](#) (Del.) and [Sheldon Whitehouse](#) (R.I.).

They also raised the question of whether Pruitt had any "other, as yet unknown, business pursuits as well."

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## **Murray delivered executive orders on coal rules to Trump administration [Back](#)**

By Darius Dixon | 06/06/2018 07:05 PM EDT

Coal magnate Bob Murray delivered six draft executive orders ready for President Donald Trump to sign to roll back Obama-era environmental regulations in the early weeks of the administration, according to newly released Energy Department documents.

The [documents](#) released Wednesday after a Freedom of Information Act request include a letter to Energy Secretary Rick Perry from Murray praising Trump's March 2017 energy independence executive order, which largely aimed to help the coal industry. And to bolster that effort, Murray wrote, "we have developed the enclosed materials for your review and consideration, consisting of: six (6) Executive Orders further rescinding anti-coal regulations of the Obama administration; and one (1) memorandum outlining the legal rationale for each of these action, and others."

Those executive orders were also sent to EPA Administrator Scott Pruitt, whose agency had jurisdiction over most of the issues they involved, such as ozone rules and regulations on coal ash.

Trump has not signed executive orders resembling Murray's, but the administration has moved to enact the policies, such as pulling U.S. out of the Paris climate agreement. The documents, which were sent to DOE the day Trump signed his energy independence order and one day before Murray met with Perry and DOE chief of staff Brian McCormack, also included concepts about grid security and "resiliency" that Perry later touted as part of his push to stop coal power plants from closing.

"The Department of Energy ("DOE") must issue an emergency directive to have an immediate study done of the security and resiliency of our electric power grids," the document states. "DOE will direct that no power plants having an available fuel supply of at least forty-five (45) days be closed during the study period, or a minimum of two (2) years."

Perry later ordered his staff to write a study about the electric grid that was eventually tied to a regulatory proposal that FERC create financial rewards for power plants with a 90-day supply of fuel on-site. That condition would have overwhelmingly benefited coal and nuclear generators, but it was shot down by FERC in January.

Critics have said Murray would be the biggest beneficiary of Trump's efforts, since his company supplies coal to many of the power plants at risk of closing because of stiff competition from cheap natural gas and renewable power as well as lagging electricity demand from consumers.

Murray spokesman Gary Broadbent confirmed the company had submitted the documents to Perry "to assist in the reversal of the illegal, job-killing, anti-coal regulations of the Obama Administration."

"Mr. Murray has always sought to secure reliable, low-cost electricity for all Americans, as well as to preserve and protect the jobs and family livelihoods of thousands of coal mining families," he said in a statement. "We applaud the actions taken by President Trump's Administration, to date, to protect these jobs and to advance the energy security of the United States."

Murray has repeatedly called on DOE to issue must-run orders for FirstEnergy power plants that consume his coal, and he blasted the FERC commissioners who opposed the on-site fuel proposal.

On Tuesday, a top DOE official said the agency is still formulating a plan to keep struggling coal and nuclear power plants from closing, and it had no deadline to meet Trump's demand to rescue them.

"We are evaluating options," Energy Undersecretary Mark Menezes told reporters. Last week, Trump called on DOE to take "immediate steps" to stop a wave of coal and nuclear power plant retirements, and like Perry, he cast the shutdowns as a threat to national security.

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**Senator to Pruitt: EPA meddling in health study 'unconscionable'** [Back](#)

By Annie Snider, Alex Guillén and Anthony Adragna | 05/16/2018 10:10 AM EDT

Senate Democrats tore into Scott Pruitt on Wednesday, blasting the Environmental Protection Agency's meddling in a report on toxic chemicals as "unconscionable" and calling the EPA administrator's mounting ethics controversies an embarrassment to the agency.

"You're trailing a string of ethical lapses and controversies, they're an embarrassment to the agency, an embarrassment to Republicans and Democrats alike," Sen. Pat Leahy (D-Vt.) told Pruitt at a Senate hearing. "Forget about your own ego and your first class travel and your special phone booths and all these things that just make you a laughingstock and your agency a laughingstock."

Pruitt has faced a wave of scandals over the past few months, with scrutiny focused on his expensive flights, round-the-clock security detail, privacy phone booth, and below-market condo rental from an energy lobbyist. With news this week that EPA's Inspector General would look into Pruitt's use of multiple email accounts, he is now facing more than a dozen probes and investigations from Congress, the White House and his agency's internal watchdog.

And earlier this week, POLITICO reported that EPA helped to bury a federal study that would have increased warnings about toxic chemicals found in hundreds of water supplies across the country. That report showed Pruitt's senior aides intervened in the release of the Health and Human Services Department assessment into PFOA and PFOS after the White House warned of a "public relations nightmare."

Leahy said efforts by the White House and political officials at EPA to block the chemicals assessment "unconscionable," and he pointed to a community in his state that is grappling with chemical contamination.

"It's incomprehensible to the people in Bennington and in Vermont why an agency that works for them — their tax dollars are paying for it — whose charge it is to protect their health, turns their back on them and tries to hide health dangers," Leahy said in his opening statement.

West Virginia Republican Sen. Shelley Moore Capito also pressed Pruitt on his agency's intervention on the study, prompting him to deny that he had a hand in it.

"I was not aware that there had been some holding back of the report. I think it is important to have all information in the marketplace," Pruitt said.

Capito encouraged Pruitt to get that study released before an EPA summit on the chemicals next week. "I appreciate the fact that you are trying to reach the scientific limit that would impact any kind of health impacts in our areas, regardless of who has to remediate and what the remediation costs are going to be," she said, alluding to the fact that cleanup requirements would create major costs for the Defense Department and chemicals manufacturers.

Leahy also mocked Pruitt's security concerns as a justification for flying first class for more than a year. "Nobody even knows who you are," he said, adding later, "it's ego run amok."

Much like appearance last month in front of two House panels, Pruitt shifted the blame for many of the recent scandals, blaming "processes" at the agency not being followed for some of his ongoing spending and ethical issues, and he told Senate Appropriators he had taken steps to avoid similar issues going forward.

"There have been decisions over the last 16 or so months, that as I look back, I would not make those same decisions again," Pruitt said. But he stopped short of apologizing, and blamed critics of his deregulation agenda for the negative publicity.



"I want to rectify those going forward," Pruitt continued. "I also want to highlight for you that some of the criticism is unfounded and I think exaggerated. And I think it feeds this division that we've seen around very important issues affecting the environment."

Pruitt also confirmed media reports that he had established a legal defense fund amid the spate of federal investigations. Donations to the fund would be made public pursuant to disclosure requirements and Pruitt said he would not solicit money from lobbyists or corporations with business before the agency. He later noted he would not personally seek contributions himself "since that's done by attorneys and others."

The EPA chief said his attorney "who's done this for a number of years" has worked with Government Accountability Office "to make sure it's done properly."

Despite criticism from lawmakers from both parties and frustration from White House aides, Pruitt has continued to receive the support of President Donald Trump, who's praised the former Oklahoma attorney general for rolling back many of the Obama administration's environmental policies.

Sen. Tom Udall (D-N.M.) pressed Pruitt on his requests that his security detail use his vehicle's lights and sirens to beat Washington traffic and get to a restaurant.

"I don't recall that happening," Pruitt answered. But Udall shot back by referencing an email from Pruitt's former security chief, Pasquale "Nino" Perrotta, that said "Administrator Pruitt encourages the use" of those lights and sirens. POLITICO has reported that Perrotta goaded and encouraged such behavior on security matters.

Udall later accused Pruitt of violating federal law by having an aide search for apartment rentals for him on personal time without being paid. The aide, Millan Hupp, an EPA scheduler and advance staffer who has worked for Pruitt since he was Oklahoma attorney general, is "a long-time friend of my wife and myself," Pruitt said, and she took those actions entirely "on personal time."

"It doesn't cut it that they're a friend or that kind of thing," Udall replied, since federal law requires that any subordinate — even if they volunteer — be paid fair market value for their work or it's considered a gift.

"That's in violation of federal law," Udall said.

Even Sen. Lisa Murkowski, chairwoman of the Appropriations panel hosting Pruitt, said at the start of the hearing she saw "legitimate questions that need to be answered" about the ethics scandals plaguing Administrator Scott Pruitt.

"Unfortunately, I am concerned that many of the important policy efforts that you are engaged in are being overshadowed because of a series of issues related to you and your management of the agency," Murkowski said at the opening the budget hearing.

Udall also peppered Pruitt about his contacts with conservative political commentator Hugh Hewitt over a polluted California site. POLITICO first reported that EPA added the Orange County North Basin site to Pruitt's list of sites targeted for "immediate and intense" action just weeks after Hewitt arranged a meeting with Pruitt and his law firm.

But Pruitt said the agency had been discussing potential action on the Superfund site "well before" Hewitt arranged a meeting on the issue. "I'm not entirely sure why there would be criticism around us taking concerted action to address Superfund sites and get accountability — whomever brings that to our attention," he said.

That didn't placate Udall.

"The idea is that here's been scientific analysis and through analysis on the list, and then special friends get to get on the list that's been created by the agency," Udall said. "Looks a little bit fishy to me."

Udall, who called on Pruitt to resign because of the recent controversies, said Pruitt was unfit to lead the agency because he didn't believe in its mission to protect human health and the environment.

"It needs to be said that your tenure at the EPA is a betrayal of the American people," he said, criticizing not just the ethics scandals, but also his regulatory rollbacks.

"This isn't cooperative federalism, it's flat-out abandonment," he said.

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### **Trump tariffs stir up angst ahead of G-7 summit [Back](#)**

By Andrew Restuccia, Megan Cassella and Lorraine Woellert | 06/05/2018 07:17 PM EDT

Foreign diplomats and U.S. officials are looking ahead to this week's G-7 summit with a sense of dread amid growing international tensions with President Donald Trump and little hope of reaching consensus.

With just three days until Trump arrives in Canada for the annual meeting with America's closest foreign allies, member countries are fuming over the president's decision to impose steep tariffs on steel and aluminum imports, a move that could have dire economic consequences for every other member of the Group of Seven major industrial nations.

Canada, Japan and key European Union nations have long sought to win over the U.S. president by playing nice on the world stage. But after nearly a year and a half, the G-7 countries' frustrations are bursting into public view.

Prime Minister Justin Trudeau of Canada, who is hosting the summit, excoriated Trump's recent tariff decision, responding with dollar-for-dollar tariffs of his own and calling the president's decision "insulting" and "totally unacceptable."

Japan has grown increasingly concerned that it is being pushed to the side as Trump prepares to meet with North Korea's dictator, Kim Jong Un. And France, whose president, Emmanuel Macron, had worked hard to build rapport with Trump, is reeling from a "terrible" [phone call](#) with the American president that went south after Macron bluntly criticized U.S. tariffs.

Trump is expected to get an earful from his foreign counterparts during the meeting, which starts on Friday. U.S. officials acknowledged privately that the gathering could be rife with awkward moments, with one official predicting that it will be a "mess."

"I think they will be ganging up on him," said Bill Reinsch, a trade expert at the Center for Strategic and International Studies. "But in addition to the immediate issue of the tariffs, there is an underlying debate that is

going to go on ... and that is a growing concern that the entire rules-based international system and the institutions that underlie it are increasingly at risk."

G-7 negotiators remain deeply divided over the joint statement that countries usually release at the end of the annual event. The statement is meant to project unity among the world's biggest economies, detailing a range of policy issues on which they can all agree.

"The G-7 traditionally, for 20-plus years, has been a group of like-minded developed countries that sit together and figure out what do we do to address key global problems," said Robert Fisher, a consultant with Hills & Company and a former U.S. trade official who helped negotiate NAFTA. "Now trade has become, perhaps more than anything, the major dividing line between the G-6 and the one. And we are the one."

Another U.S. official told POLITICO that he thought there was no chance the U.S. and the other G-7 members could reach common ground on crucial issues like trade and climate change, adding that it was increasingly likely there wouldn't be a joint statement at all at the end of the meeting. Multiple U.S. officials have complained privately that early drafts of the statement were far too liberal, arguing that there was little the administration could latch on to.

Some foreign officials, meanwhile, have begun wondering whether it's better for Trump to skip the G-7 altogether rather than risk his making a spectacle at the event.

"If the president were not to go, that would be a major snub," Fisher said. "I would see that as a further escalation in tensions between the U.S. and, normally, our allies."

Trade is expected to be a central topic of discussion throughout the summit, and G-7 leaders will sit down for a session on "economic growth, the future of work and trade" as one of their first meetings, according to [a background document](#) released by the Council of the EU, which represents the executive governments of European Union member states.

A senior EU official sought to moderate expectations that any progress would be made with Trump over the tariffs, saying the potential for progress was "extremely low."

"We do not expect any breakthrough on the trade dispute with the U.S.," the official told reporters. He added that "the tariffs imposed ... last week have significantly increased tensions" between the U.S. and its G-7 partners, which are "united" in their ambition to retaliate against the Trump tariffs.

A summit this past weekend among the G-7 finance ministers offered a preview of what could be in store for Trump, after leaders faced off over unprecedented divisions on policy and failed to reach consensus on a joint concluding statement.

In a rare show of disunity, a chair's summary written by Canada and released at the close of the event highlighted concerns over "tariffs imposed by the United States on its friends and allies" that "undermine open trade and confidence in the global economy." The summary said ministers of the six other countries — all of which are now paying tariffs on their steel and aluminum exports to the U.S. — requested that Treasury Secretary Steven Mnuchin, who represented the U.S. at the finance meeting, communicate to Trump their "unanimous concern and disappointment."

"I've been to these meetings for a long time," the Japanese finance minister, Taro Aso, told reporters, according to Reuters. "But this is a very rare case where opposition against the United States was unanimous."

Trump, for his part, is already looking past the G-7, focusing much of his attention on the summit next week with Kim, according to administration officials. The president is scheduled to depart for Singapore, the summit site, from Canada at the end of the G-7 gathering.

Trump administration officials have publicly sought to tamp down concerns that tariff blowback will dominate and derail the summit agenda, even as anxiety builds across the Atlantic that the two-day event will ultimately produce nothing at all.

Larry Kudlow, director of the National Economic Council, rejected the idea earlier Tuesday that the steel and aluminum tariffs had any damaging effects and praised Trump's trade policies generally, calling the president a "trade reformer." He also lauded the strength of the U.S. economy and said officials would "take that story to the G-7 meeting."

"I hope it's a G-7 meeting," he added in an interview on Fox News. "I hope it's not a G-1-plus-six meeting, and I hope we can make some sense out of the whole story."

*Michael Crowley and Hans von der Burchard contributed to this report.*

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## **Trump to depart G-7 summit early [Back](#)**

By Brent D. Griffiths | 06/07/2018 08:36 PM EDT

President Donald Trump will leave the G-7 summit before its conclusion, the White House announced on Thursday night, following a day of back-and-forth with fellow world leaders that foreshadowed confrontations during the meeting of the world's largest advanced economies.

Trump will depart the summit in Quebec at 10:30 a.m. Saturday and head directly to Singapore, the site of his June 12 meeting with the North Korean leader, Kim Jong Un, White House press secretary Sarah Huckabee Sanders said in a statement. The G-7 summit is scheduled to wrap up later on Saturday.

Before the announcement, President Emmanuel Macron of France and Prime Minister Justin Trudeau of Canada both promised to confront Trump over his recent decision to impose tariffs on U.S. allies.

Trump, in response, laid into the two leaders on Thursday evening over those plans.

"Please tell Prime Minister Trudeau and President Macron that they are charging the U.S. massive tariffs and create non-monetary barriers," Trump wrote on Twitter. "The EU trade surplus with the U.S. is \$151 Billion, and Canada keeps our farmers and others out. Look forward to seeing them tomorrow."

By pulling out early, Trump will skip sessions focused on climate change, the oceans and clean energy. He will also miss the traditional group-photo opportunity among fellow heads of state. The president may also miss the opportunity to host a summit-ending news conference, something world leaders traditionally do. The leader of the host nation, in this case Trudeau, also takes questions and gives closing remarks. Trump chose not to hold a news conference last year, becoming the only G-7 leader not to do so before leaving Italy, according to [The Hill](#). He opted instead for a speech at a nearby naval air station.

The summit traditionally concludes with a joint statement spelling out the areas of agreement on the wide range of policy issues discussed. But before Trump's announcement, Macron urged the other five nations to hold strong and not let potential U.S. opposition water down their communiqué.

The 2017 statement, for example was notable for its explicit mention that the U.S. did not share its allies' support of the Paris Climate Accord. Less than a week later, Trump announced in the White House Rose Garden that the U.S. would be exiting the climate agreement.

"Maybe the American president doesn't care about being isolated today, but we don't mind being six, if needs be," Macron said, part of his plea to confront Trump head-on.

Trump later upped the ante, accusing Trudeau of being "so indignant" on the topic. The U.S. and its allies have been at loggerheads in recent days as the EU, Canada and Mexico continue to bristle over the president's decision to levy 10 percent tariffs on aluminum imports and 25 percent tariffs on steel imports from the two countries and Europe. The move, which reportedly came with little warning, has also caused Republicans on Capitol Hill to consider reining in Trump's trade powers.

Suggesting that the world powers could continue on without the U.S. is a stark departure from the chummy relationship Macron and Trump had during the French president's state visit to Washington in April.

For his part, Trudeau continued to call the tariffs "ridiculous." Last week, he repeatedly invoked the fact that Canadians fought alongside U.S. soldiers in Afghanistan in characterizing Trump's decision as a slap in the face.

The thought of allies ganging up on him has reportedly left Trump uneasy about attending the summit. But for now, Trudeau says that he expects his American counterpart to show up.

"We know that President Trump likes to be unpredictable," the Canadian leader said on Thursday, "but everything suggests that he will be there for the G7 summit, including his tweets this morning."

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**DOE official: Agency would 'never' use must-run order for economic reasons** [Back](#)

By Darius Dixon | 02/20/2018 02:52 PM EDT

The Energy Department's top electricity official says the agency would not exercise its emergency authority to keep a power plant operating just because it might be losing money.

"A 202(c) has some very specific rules and a process," Bruce Walker, DOE's assistant secretary for the Office of Electricity Delivery and Energy Reliability, told reporters, referring to the section of the Federal Power Act that gives Energy Secretary Rick Perry authority to keep plants running.

"The economic rules are what they are today. We would never use a 202 to stave [off] an economic issue," he said, adding, "it's not designed for that."

President Donald Trump backer and coal magnate Bob Murray has repeatedly called on DOE to issue must-run orders for FirstEnergy power plants that consume his coal. He reiterated that call after FERC's January rejection of Perry's proposal to prop up coal-fired and nuclear plants that were losing money in the power markets. Just last week, FirstEnergy announced that will close its 1,300-megawatt Pleasants coal-fired power plant — a large Murray customer — by Jan. 1.

"Since I would be the one writing it, I can tell you it's never come to my attention," said Walker, a former executive at Consolidated Edison, noting that he regularly has meetings with Perry and other top DOE officials. "Nobody has talked about it. Nobody in my department is doing anything with it. It doesn't exist."

*To view online [click here](#).*

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## **Trump calls for coal, nuclear power plant bailout [Back](#)**

By Eric Wolff | 06/01/2018 05:17 PM EDT

President Donald Trump pressed for a quick regulatory bailout for struggling coal power plants on Friday — a move that would buoy a mining industry that offered him crucial support in 2016, but is riling other energy companies and even some free-market conservatives.

The White House called on Energy Secretary Rick Perry to take immediate steps to keep both coal and nuclear power plants running, backing Perry's claim that plant closures threaten national security. An administration strategy to do that laid out in a memo to the National Security Council circulated widely among industry groups on Friday, but it was not clear that intervention could survive the inevitable political and legal challenges.

It was the latest step in more than a year of efforts by the administration to compel power companies to keep operating the money-losing plants that are suffering from the rise of competing energy sources like natural gas. Those proposals have drawn opposition from most utilities, along with environmentalists, gas producers, power grid operators and conservatives who say it would be an unwarranted intrusion to the energy markets.

The White House statement calling for action came after days of Trump making similarly aggressive moves on international trade, slapping tariffs on the European Union, Canada and Mexico to protect U.S. industries like aluminum and steel. In this case, the president is acting on behalf of what he likes to call "beautiful, clean coal," a once-dominant fuel that still plays a major role in his stump speeches.

Trump "has directed Secretary of Energy Rick Perry to prepare immediate steps to stop the loss of these resources," White House press secretary Sarah Huckabee Sanders said in a statement Friday, referring to coal and nuclear plants.

She added that Trump believes "keeping America's energy grid and infrastructure strong and secure protects our national security... Unfortunately, impending retirements of fuel-secure power facilities are leading to a rapid depletion of a critical part of our nation's energy mix, and impacting the resilience of our power grid."

The statement came five months after federal energy regulators rejected Perry's call that they adopt his proposal to keep the struggling coal and nuclear power plants operating. That proposal would have overwhelmingly benefited mining magnate Bob Murray, an outspoken Trump supporter whose operations supply coal to several endangered plants in the Midwest and Northeast, according to a POLITICO analysis.

Trump's National Security Council gathered Friday to discuss the draft memo that lays out arguments why the administration should use federal authority to keep the money-losing power plants open — despite the assurances from some of the nation's grid operators that no such emergency exists.

"Any federal intervention in the market to order customers to buy electricity from specific power plants would be damaging to the markets and therefore costly to consumers," said the PJM Interconnection, which operates the nation's largest power grid and stretches from the Midwest the Atlantic Coast, in a statement. "There is no need for any such drastic action."

A broad swath of trade associations representing oil and gas, wind and solar power, consumer groups and advanced energy technologies slammed the plan, and they were joined by some congressional Democrats.

"This would be an egregious abuse of power," Sen. Ron Wyden (D-Ore.) said in a statement. "I fought this proposal before, and I will continue to fight this corrupt scheme to prop up the coal industry at the expense of American consumers."

That new 41-page memo, first revealed by Bloomberg News on Thursday evening, says that under the 2015 highway and transit bill known as the FAST Act, DOE must identify critical energy infrastructure, a process the agency is undertaking now with the help of its national labs. But because that is likely to take two years, DOE in the meantime should use the 1950 Defense Production Act and the Federal Power Act to require the plants to keep operating, the memo says.

Power sector experts have said using the two laws to keep specific plants operating would stretch both those measures, and would certainly trigger a major legal fight. Critics of the administration's strategy said the memo appears to signal that the White House is preparing for a fight.

"One way to view the release of this draft is that it is a trial balloon to see how fierce and fast the opposition will be," said Dena Wiggins, CEO of the industry lobby group Natural Gas Supply Association, which opposes the DOE plan. "We've known for some time that all of these federal authorities ... were in play, so the fact that we've now seen it in writing doesn't really change anything. It does, however, underscore how hard it is to cobble together a sound legal rationale to bail out otherwise uneconomic coal and nuclear plants."

And critics say the push to bail out the plants is simply Trump's effort to reward backers like Murray, the coal baron, and live up to his campaign promise to revive coal country. Perry first began work on the power plant issue in March 2017, when he met with Murray at DOE, and Trump himself personally directed Perry to take action on the issue since last summer.

Murray's coal mines have been a major supplier for power plants owned by FirstEnergy Solutions, a unit of Ohio-based utility giant FirstEnergy that sank into bankruptcy this spring. FirstEnergy Solutions has said it plans to close or sell five of its money-losing coal and nuclear power plants.

But the Federal Energy Regulatory Commission and the grid operator have said that even with the planned closures, the region has ample power to supply the market's needs. Stagnant power consumption growth, coupled with the rise of natural gas and renewable power sources like wind, has displaced many of the older coal and nuclear facilities in the markets.

The memo also calls for establishing a new requirement for the electric grid based on "resilience," a term Perry injected into the regulatory conversation last fall with a proposed rule that would have rewarded plants that could keep 90 days of fuel on site. FERC rejected that rule, but it also created a new proceeding to try to define "resilience," which some in the industry say pertains to the grid's ability to withstand and recover from a physical or cyberattack.

The memo largely focuses on the issue of resilience, which it says would suffer if coal and nuclear power plants retire. It specifically targets natural gas as a weakness, because the plants that burn the fuel rely on pipelines that could be disrupted, while coal and nuclear power plants can keep months' worth of fuel on site.

"Natural gas pipelines are increasingly vulnerable to cyber and physical attacks," the memo says. "The incapacitation of certain pipelines through the United States would have severe effects on electric generation necessary to supply critical infrastructure facilities."

*To view online [click here](#).*

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## **Judge blasts EPA for 'hyperbolic' refusal to back up Pruitt's climate stance [Back](#)**

By Alex Guillén | 06/01/2018 05:18 PM EDT

A federal judge today blasted EPA for refusing to search for any records related to Administrator Scott Pruitt's televised [statement](#) that carbon dioxide is not a "primary contributor" to global warming, a break from the scientific consensus and his own agency's position.

Chief Judge Beryl Howell of the U.S. District Court for D.C. gave the agency until next month to search for records in response to the Freedom of Information Act request filed by the group Public Employees for Environmental Responsibility after Pruitt's March 2017 interview.

EPA had argued that PEER's request was both too broad and too burdensome, arguing it would require considering everything Pruitt has ever read on climate change. But the judge was not convinced.

"This hyperbolic objection strays far afield from the actual text" of the FOIA requests, Howell [concluded](#).

PEER's request provided an appropriate target for specific documents, Howell wrote. And she rejected the agency's argument that it would be impossible to determine the evidence that led Pruitt to make his claim.

"EPA's strained attempt to raise an epistemological smokescreen will not work here to evade its obligations under the FOIA," she wrote.

Howell also ordered EPA to respond to PEER's request for any agency records that concluded human-caused CO2 emissions are not causing climate change.

"EPA has failed to demonstrate a viable legal basis for its refusal to conduct any search whatsoever in response to the plaintiff's straightforward FOIA request," Howell concluded.

**WHAT'S NEXT:** Howell ordered EPA to finish its records search by July 2 and hand over any responsive documents to PEER "promptly" on a rolling basis. She also ordered EPA to say by July 11 whether any records are being withheld in full or in part.

*To view online [click here](#).*



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## Tester attacks Rosendale in new TV ad [Back](#)

By James Arkin | 06/07/2018 05:32 PM EDT

Sen. [Jon Tester](#)'s (D-Mont.) campaign began airing an attack ad against newly minted GOP nominee Matt Rosendale today, according to Advertising Analytics.

The service captured the ad running on broadcast TV two days after Rosendale, the state auditor, won the Republican primary to face Tester in the general election. The ad labels the Republican "Maryland Matt" — picking up on attacks from Rosendale's former Republican primary rivals, who hammered him as a carpetbagger because he moved to Montana from Maryland in 2002. All three of Rosendale's former opponents endorsed his campaign today.

"Meet Maryland Matt Rosendale," the Tester ad's narrator says. "A millionaire real estate developer from Maryland where he made a lot of money turning farmland into developments. Now he's in Montana to develop real estate here, too. He pushed to transfer our public lands knowing our state would have to sell them off so developers like himself can buy them and cash in while restricting our access to our public lands. Defend Montana from Maryland Matt before it's too late."

View the ad [here](#).

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Neutral



Not really



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# POLITICOPRO

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Message

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**From:** POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]  
**Sent:** 5/25/2018 6:33:45 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** Pruitt spent \$3.5M on security in his first year

By Alex Guillén

05/25/2018 02:31 PM EDT

EPA Administrator Scott Pruitt's security detail cost about \$3.5 million for his first year in office, more than twice what his predecessor spent in the final year of the Obama administration, according to spending summaries released today by EPA.

Pruitt's security spending jumped as his protective detail roughly doubled in size to provide unprecedented 24/7 coverage and began flying alongside Pruitt in first class on domestic flights. Some lawmakers have recently questioned whether the extra spending was justified by the threats made against Pruitt.

Salaries and travel costs totaled \$3,489,981.67 between April 2017 and March 2018. The data was tabulated in quarterly increments. Pruitt took office in mid-February last year.

That's nearly a 110 percent increase over security spending on his predecessor, Gina McCarthy, in 2016, according to the data. McCarthy's security costs totaled \$1,665,157.28 for the calendar year 2016.

EPA spokesman Jahan Wilcox reiterated that Pruitt has faced "an unprecedented amount of death threats" and that EPA plans to post the costs of his security detail on a quarterly basis.

"Americans should all agree that members of the President's cabinet should be kept safe from violent threats," Wilcox said.

**WHAT'S NEXT:** EPA's inspector general is reviewing Pruitt's use of EPA security officials on vacations and other personal trips. It is not clear when that probe will conclude.

*To view online:*

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/pruitt-spent-35m-on-security-in-his-first-year-1306542>

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Yes, very



Somewhat



Neutral



Not really



Not at all

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Message

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**From:** Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]  
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**Subject:** Fwd: Request for comment please

Matt and Lincoln - can you work together on how to respond.

Sent from my iPhone

Begin forwarded message:

**From:** "Friedman, Lisa" <[lisa.friedman@nytimes.com](mailto:lisa.friedman@nytimes.com)>  
**Date:** April 5, 2018 at 10:01:48 AM EDT  
**To:** Jahan Wilcox <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>, "Bowman, Liz" <[bowman.liz@epa.gov](mailto:bowman.liz@epa.gov)>, Press <[press@epa.gov](mailto:press@epa.gov)>  
**Subject:** Request for comment please

Hi Jahan and Liz

We are finishing work on a story about the EPA that addresses concerns that were raised by certain HQ staff members related to travel, office spending and issues related to security protocols by the Office of the Administrator.

The story notes how four individuals who raised these objections—Kevin Chmielewski, John E. Reeder and Reginald E. Allen, and Eric Weese—were later transferred to different jobs, or moved on their own to a different job after being told to find a new role, or in Kevin's case, put on leave.

We know that there are different circumstances involving each of these individuals, three of whom are career and one is political. But we wanted to go in detail here through some of the issues that these staff members raised and then the way their jobs were shifted after their raised these issues.

We welcome your specific responses to these issues. But we need any response you want to offer by 3 p.m. today, Thursday, April 5.

Here are the specific factual assertions I welcome you to address;

++ Mr. Chmielewski objected to a proposal to buy a charter aircraft membership for \$100,000-per-month that would have allowed Mr. Pruitt to take an unlimited number of private jet trips for official business

++ One of these staff members objected to a proposal to spend more than \$70,000 to replace the desks in Mr. Pruitt's office suite, including both the administrator's personal desk and one at a security station just outside his office. Pasquale Perrotta argued that the desks should be replaced with a bullet-proof model. This purchase did not go ahead. Instead, a brown-maple wood stand-up desk, was purchased from an Ohio craftsman and a separate desk retrieved a federal government warehouse in Virginia and was refurbished at a cost of \$2,075 for Mr. Pruitt

++ The security detail lead questioned Mr. Pruitt's desire to utilize use of lights and sirens in his motorcade if he was running late, like on his way to a restaurant or airport. In at least one case, Mr. Pruitt wanted these used on his way to Le Diplomate,

++ A member of the security detail also made it be known that he would be reluctant to sign off on requests—which were part of his job to review—for authorization for Mr. Pruitt to fly first class, based on security concerns. Only after Mr. Perrotta took over as security detail lead did Mr. Pruitt begin to regularly fly first class.

++ Others questioned the need for an approximately 20 person security detail team, that provided 24-7 coverage, instead of 5 person "portal to portal" team with the prior EPA administrator.

++ At least one senior staffer questioned the need for the expenses associated with sound proof booth, suggesting instead that a broom closet could be used at a total cost of about \$10,000, instead of the final cost for the actual booth of about \$43,000

As an aside, we know of the allegations raised against Mr. Chmielewski related to his security clearance that the IG investigated and found were not substantiated. We also know of complaints that he was hard to reach while he was out of the office doing advance work for the VP.

Finally a few additional questions.

1) There is a rumor going around in Washington that Mr. Pruitt used the Vicki Hart condo as part of an effort to have an affair with Samantha Dravis. We wanted to be direct and ask if there is any truth to this. Please advise.

2) What message does it send to the American public if Mr. Pruitt switches his security detail chief and two other career officials involved with overseeing expenses and a political appointee who did the same thing, after these individuals raise concerns about spending and security practices? Was this appropriate?

3) Should Mr. Pruitt resign based on the series of questions that have been raised about his performance and if not why not?

Thanks very much - I'm on my cell,  
Lisa

--

Lisa Friedman  
Reporter, New York Times  
(202) 862-0306 office

**Ex. 6** cell

Message

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**From:** Greaves, Holly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABCB6428B3DF40A9A78B059A8BA59707-GREAVES, HO]  
**Sent:** 7/7/2017 3:22:27 PM  
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**CC:** Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]  
**Subject:** QFRs from budget hearing  
**Attachments:** HAC QFRs with RESPONSES FOR HOLLY\_consolidatedv2.docx

Ryan,

Attached please find the list of QFRs with responses. Some members of the political team were involved in drafting the responses (OP, OECA, ORD, OCFO) but I don't think all career staff involved their respective political.

## Ex. 5 - Deliberative Process

Thanks,  
Holly

Message

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**From:** Leopold, Matt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]  
**Sent:** 3/19/2018 9:45:08 PM  
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**CC:** Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]  
**Subject:** FW: Jahan's Emails  
**Attachments:** Gowdy Air Travel (03.17.2018).docx

Here's an edited version. Can you review and clear? Thanks

**Matthew Z. Leopold**  
General Counsel  
U.S. Environmental Protection Agency  
(202) 564-8040

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**From:** Baptist, Erik  
**Sent:** Monday, March 19, 2018 5:07 PM  
**To:** Leopold, Matt <Leopold.Matt@epa.gov>  
**Subject:** RE: Jahan's Emails

Revised version attached.

**Erik Baptist**  
Senior Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-1689  
[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)

---

**From:** Leopold, Matt  
**Sent:** Monday, March 19, 2018 3:22 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Baptist, Erik <[Baptist.Erik@epa.gov](mailto:Baptist.Erik@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** Re: Jahan's Emails

Thanks

Sent from my iPhone

On Mar 19, 2018, at 3:04 PM, Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

Liz Bowman

U.S. Environmental Protection Agency (EPA)  
Office: 202-564-3293



Message

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**From:** Hassell, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24C1350E0DF84A3CA1F5852C0FEB971B-HASSELL, EM]  
**Sent:** 5/25/2018 6:00:41 PM  
**To:** AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]  
**Subject:** News Clips - 25 May 2018

*(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)*

### **Pebble Mine Financing**

[Washington Post - Major investor in Pebble Mine pulls out, putting controversial Alaska project in jeopardy](#)

[The Hill - Controversial Alaska mining project loses potential investor](#)

[Politico - Pebble Mine financing deal falls through](#)

### **PFAS Summit**

[The Hill - EPA grapples with potential health threat in drinking water](#)

[Politico - EPA's next steps on toxic chemicals draw scrutiny](#)

[Washington Examiner - Rep. Dan Kildee asks inspector general to probe EPA for limiting access to chemical summit](#)

### **Administrator Pruitt Coverage**

[CBS News - EPA: Pruitt spent \\$3.5 million on security during first year in office](#)

[The Hill - House Dems request information from EPA on Pruitt's legal fund](#)

[Huffington Post - Scott Pruitt Twice Introduced Anti-Abortion Bills Giving Men 'Property Rights' Over Fetuses](#)

### **General**

[Daily Caller - It's Time The EPA Stops Taking Advantage Of Taxpayer Dollars For Regulatory Science \(\\*Op-Ed\)](#)

[Reuters - Pressured by industry, U.S. EPA slows formaldehyde study release: documents](#)

[Bloomberg - California Air-Quality Official Takes a Swipe at Trump](#)

[AP - Judge wants state, US EPA to take lead on Lake Erie algae](#)

[The Hill - Why EPA's drop in pollution cases is so scary \(\\*Op-Ed\)](#)

[AP - Environmentalists take aim at power plant's discharge permit](#)

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## **Washington Post**

[https://www.washingtonpost.com/news/energy-environment/wp/2018/05/25/major-investor-in-pebble-mine-pulls-out-putting-controversial-alaska-project-in-jeopardy/?utm\\_term=.5ebcf623e20d](https://www.washingtonpost.com/news/energy-environment/wp/2018/05/25/major-investor-in-pebble-mine-pulls-out-putting-controversial-alaska-project-in-jeopardy/?utm_term=.5ebcf623e20d)

### **Major investor in Pebble Mine pulls out, putting controversial Alaska project in jeopardy**

By Juliet Eilperin and Steven Mufson, 5/25/18, 1:17 PM

The major financial investor in the Pebble Mine project has pulled out, Northern Dynasty Minerals Ltd. announced Friday, dealing a serious blow to the firm's plan to build a controversial gold and copper mine near Alaska's Bristol Bay.

The stock price of Northern Dynasty plummeted 28 percent by midday Friday after it announced that First Quantum Minerals Ltd. had withdrawn from an agreement the two companies forged in mid-December. Under that partnership, First Quantum had provided \$37.5 million upfront and pledged \$150 million over the next three years to fund the permitting process, in exchange for a 50 percent share in the project.

Environmental groups, which had lobbied First Quantum for months to withdraw from the deal, said constructing the massive mine would imperil a watershed that is home to the world's largest sockeye salmon fishery.

Joel Reynolds, Western director of the advocacy group Natural Resources Defense Council, said Friday that First Quantum executives "deserve to be congratulated for listening to the people of Bristol Bay." Reynolds, who met with the company's chief executive this month, noted that it is the fourth major firm to abandon the project since 2011.

"There is a consistent pattern of major investors walking away from this project once they understand the overwhelming opposition and unavoidable environmental and economic risk," Reynolds said. His group and others had argued that the combination of local residents' concern and the scientific findings should deter First Quantum from consummating its deal with Northern Dynasty. "Our pitch fundamentally is, this is a bad investment for your shareholders."

Northern Dynasty, which has no investments aside from the Pebble Mine project, received a boost with President Trump's election and the confirmation of Environmental Protection Agency Administrator Scott Pruitt. The price of its stock more than tripled between the election in late 2016 and February 2017.

The company, which said in a release Friday that it had "terminated" the First Quantum option agreement "in accordance with its terms," did not respond to a call seeking further comment.

The Pebble Mine project has been fraught for years. In 2014, the EPA invoked a provision under the Clean Water Act that barred Northern Dynasty from applying for federal permits on the grounds that scientific studies indicated the mining operation could cause "significant and irreversible harm" to the area's fish habitat. Pruitt proposed reversing that decision last year, but after he consulted with tribal governments as well as Alaskan officials and the EPA received a million public comments — most of them negative — the administrator announced in January that he would revoke the agency's earlier determination.

Northern Dynasty began the permit process application with the U.S. Army Corps of Engineers in late December, after receiving a cash infusion from First Quantum. The Corps is taking comment on its scoping plan until the end of June, though environmentalists are seeking to extend the public comment period because the firm hopes to expand the proposed mine's footprint and operation.

But without First Quantum, the Canadian company must seek another partner or be forced to drop the Pebble project.

“We believe that the company would be unable to fund the Pebble permitting process beyond 2018 without additional sources of capital,” Craig Hutchison, an analyst with TD Securities, said in a note to investors. “Therefore, we believe the company will have to re-engage with potential strategic partners to help fund Pebble. Given there is a limited number of potential parties to engage with, we view the timing of a potential new partnership agreement as highly uncertain.”

Hutchison issued a hold advisory to investors. Three analysts from other investment firms have urged clients to buy Northern Dynasty stock this year. The biggest shareholder is Stirling Global Value Fund, which has an 8 percent stake in the company. But short sellers — who bet on a company’s stock falling in value — had a relatively large position equal to 7.7 percent of Northern Dynasty’s outstanding shares.

“More work remains to put an end to this project,” Carter Roberts, chief executive of WWF-U.S., said in a statement. “But after 14 years of efforts to develop the Pebble Mine, we hope this will mark the beginning of the end.”

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### **The Hill**

<http://thehill.com/policy/energy-environment/389383-alaska-mining-project-loses-potential-investor>

### **Controversial Alaska mining project loses potential investor**

By Timothy Cama, 5/25/18, 12:28 PM

The controversial Pebble Mine project in southwest Alaska won’t get an investment from a company that had been negotiating toward a potential 50 percent stake.

Northern Dynasty Minerals, a Canadian mining company that currently owns the Pebble project, said Friday that it was unable to negotiate a deal with First Quantum Minerals.

The development could put the proposed massive gold and copper mine in peril. Northern Dynasty had for years been searching for a new investor after Rio Tinto and Anglo American exited the project.

The mine has faced significant opposition from environmentalists and some Alaskans. They fear that waste from the project would pollute and harm streams that flow into Bristol Bay, which hosts the largest salmon fishery in the world, among other ecologically important features.

Northern Dynasty did not provide any details in its Friday statement about why the talks broke down. The companies announced in December that they had an agreement to work toward a deal.

Under the Obama administration, the Environmental Protection Agency (EPA) proposed to block Pebble, saying it would be too harmful to the streams.

The Trump administration’s EPA last year said it would withdraw that proposal. But it later reversed course, endorsed the Obama administration’s findings and kept the proposal in place.

Pebble has been aggressively lobbying the federal government to get the project’s permits approved.

Opponents of the project cheered the news of the financing falling through.

“The Pebble Mine is a risky venture that would devastate the world’s largest sockeye salmon fishery. It also endangers thousands of local jobs, wildlife, and more than a dozen Alaska native tribes,” Carter Roberts, president of the World Wildlife Fund, said in a statement.

"In addition to the environmental concerns, the Pebble Mine also poses risks to any company's reputation, and by extension its returns. Given these many concerns, it's no surprise that the financing deal fell apart."

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### **Politico**

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/pebble-mine-financing-deal-falls-through-1305488>

#### **Pebble Mine financing deal falls through**

By Alex Guillen, 5/25/18, 12:32 PM

A financing deal for the proposed Pebble Mine has fallen through, the mine's developer announced today, adding to questions about whether the controversial Alaska project will ever come to fruition.

Northern Dynasty Minerals, the Vancouver company that is the sole owner of the Pebble Limited Partnership, had struck a tentative deal with First Quantum Minerals to provide \$150 million in financing over four years of the project's permitting phase in exchange for half the mine's stake. But NDN announced today that the companies have failed to reach a final agreement and were ending talks.

The mine holds significant metal deposits, including gold, copper and molybdenum.

Pebble Mine is currently going through the permitting process before the U.S. Army Corps of Engineers. But questions have been raised about whether the mine ultimately will secure a permit following EPA Administrator Scott Pruitt's surprise announcement earlier this year that he believes mining in that area would pose a risk to the region's natural resources, including the Bristol Bay salmon fishery.

NDN did not say whether it has enough funds to finish the permitting process on its own.

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### **The Hill**

<http://thehill.com/policy/energy-environment/389297-epa-grapples-with-potential-health-threat-in-drinking-water>

#### **EPA grapples with potential health threat in drinking water**

By Timothy Cama, 5/25/18, 6:00 AM

Environmental Protection Agency (EPA) chief Scott Pruitt is starting to grapple with a class of chemicals used in manufacturing that has been found in drinking water in recent years.

Pruitt convened a summit this week with state officials, industry representatives, environmental advocates and others to discuss the presence of per- and polyfluoroalkyl substances (PFAS) in the water supply. He labeled the issue a "national priority" and promised certain steps toward potentially regulating the chemicals' presence in water.

Among other steps, Pruitt said EPA would formally consider whether to set national limits on the drinking water concentration of two of the thousands of chemicals in the family: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).

The chemical industry even endorsed the actions, though cautioned that the EPA has to use "sound science" as it moves forward.

But some in Congress, along with environmental and public health advocates, are skeptical that Pruitt will take strong action on PFAS. They point to the Trump administration's deregulatory bent and an email uncovered last week in which a White House aide said an as-yet-unreleased federal study on the chemicals could be a "public relations nightmare."

"At this point, it really just seems like a public show, with no action to really to back it up," said David Andrews, a senior scientist at the Environmental Working Group.

Pruitt's actions on PFAS were also overshadowed by an uproar over EPA barring journalists from much of the summit and allegations that a security guard shoved a reporter out of the building when she tried to cover it.

The man-made chemicals have been used to make products like Teflon, Scotchgard and firefighting products. Companies have been using them for decades.

But only recently have the health risks from PFAS garnered attention. The risks are under scrutiny in part due to the Flint, Mich., water crisis, which spurred a nationwide focus on water contamination that has uncovered water issues at military bases and manufacturing facilities in New York, New Hampshire, Michigan, North Carolina, among other places.

Consumption of at least some of the compounds has been linked to cancer, thyroid disease, immune system problems and other ailments.

Pruitt organized the PFAS summit earlier this year in response to growing calls from lawmakers and states for EPA to take actions like increasing research and exploring regulation.

"This is a national priority that we need to focus on as a country," Pruitt said at the event. "There are concerns across the country about these chemicals because of their persistence, their durability, getting into the environment and impacting communities in an adverse way."

Pruitt made four pledges on behalf of EPA. He said the agency would evaluate whether to set maximum PFOS levels for drinking water, develop recommendations for cleaning the chemicals out of groundwater, consider whether to designate some of them as "hazardous substances" for environmental cleanup purposes and do research on toxicity levels for some of the compounds.

The American Chemistry Council, which represents chemical companies, endorsed Pruitt's approach.

"I think we were overall pretty encouraged. It's fairly consistent with the sort of things that we're looking for in terms of next steps we want EPA to take in this area," said Jessica Bowman, the group's director for fluor-chemistry.

The industry wants to ensure, however, that newer PFAS compounds are not swept up in EPA's action. It argues that legacy chemicals like PFAS and PFAO — neither of which is produced domestically anymore — are the main issue, and newer chemicals are more advanced and less harmful.

"We want to make sure that EPA does take into consideration that there is a significant variation in the substances that all fall within this class of chemistry, and they don't all require risk-based regulation," Bowman said, adding that she believes Pruitt will endorse that view.

But environmental advocates and many lawmakers distrust Pruitt to handle the issue. They say he is unlikely to order the right scientific studies or go far enough to limit acceptable chemical levels in water.

"I'm very concerned about Pruitt's leadership on this issue," said Rep. Brendan Boyle (D-Pa.).

Boyle said he's particularly worried about the revelation last week that an unknown White House aide predicted a "public relations disaster" from a federal health study about the substances. The email was uncovered by a Freedom of Information Act request filed by the Union of Concerned Scientists and first reported by Politico.

Numerous lawmakers are demanding that the Health and Human Services Department's Agency for Toxic Substances and Disease Registry release the research referenced in the email.

Patrick Breysse, that agency's head, said at the EPA summit that he and his staff were "working aggressively" to get the study out.

Sen. Shelley Moore Capito (R-W.Va.) has also put pressure on the EPA over PFAS.

Asked if she's pleased with how EPA is handling the issue, she said, "I'm not totally pleased, no, but I want to find out what kind of levels are acceptable and remediate the problems."

As for whether she has confidence in Pruitt's handling, she said, "I think time will tell, honestly."

It has proven difficult for the EPA to designate a new chemical for filtering under the Safe Drinking Water Act. Since the act was updated in 1996, only one new chemical has been designated for potential regulation, and the EPA still hasn't moved to regulate it.

But the bigger issue, in environmentalists view, is Pruitt's desire to avoid regulation and cater to industry.

"Reading the tea leaves, it's pretty clear that they are following the chemical industry's lead on this," said Erik Olson, director of the health program at the Natural Resources Defense Council.

"We feel that we certainly can't trust EPA to set a health-protective standard for these chemicals."

Pruitt controversial science "transparency" proposal would also make it difficult for the EPA to publish a strong regulation, green advocates say.

The proposal, among other changes, would require that any scientific findings the EPA uses for regulating be based on data that is available to the public and reproducible.

Epidemiological studies, like those examining the effects of contaminants, often rely on personal data that researchers agree to keep private, and they can't be reproduced since they only happen once.

That would make it difficult for the EPA to use some of the most consequential studies on PFAS, advocates say.

"You throw out all evidence that these chemicals are already impacting human health," Andrews said, pointing to research from the major PFOA spill in West Virginia in 2014 as an example.

"The implications could be enormous in terms of ignoring the significant amounts of scientific data that these chemicals are already impacting health."

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## Politico

<https://subscriber.politicopro.com/energy/article/2018/05/epas-next-steps-on-toxic-chemicals-draw-scrutiny-571874>

### **EPA's next steps on toxic chemicals draw scrutiny**

By Annie Snider, 5/25/18, 5:02 AM

EPA is poised to take a handful of initial steps to address toxic water contamination after its summit this week, but few experts are optimistic that those actions will be enough — if they are even taken at all.

Opening this week's meeting on nonstick PFAS chemicals that taint the drinking water of at least 16 million Americans, Administrator Scott Pruitt announced four "concrete steps" that the agency will take to address the contaminants, including determining whether to regulate two of the best-known chemicals in drinking water.

"We will take the next step under the Safe Drinking Water Act process to evaluate the need for a Maximum Contaminant Level for PFOA and PFOS," Pruitt said. "It's something that has been talked about for a number of years. The process needs to begin."

That evaluation will decide whether a contaminant warrants a legal limit, a process called a regulatory determination, which is based not just on the dangers that a chemical poses, but the scale of the problem and the cost to clean it up.

And Pruitt said the agency will take the first steps to propose designating those two chemicals as hazardous substances under the Superfund law, which would help states and local water utilities force the companies responsible for contamination pay for its cleanup.

Pruitt also said EPA is "currently developing" groundwater cleanup recommendations, which experts say could help fill the gap while the Superfund process plays out. That could be especially important in places like Dayton, Ohio, where drinking water wells are in the path of a groundwater plume of PFOA and PFOS that originated at the nearby Wright-Patterson Air Force Base. So far, the military has been reluctant to begin remediation without a clear cleanup standard.

Lastly, EPA will establish toxicity values for two other PFAS chemicals, information that states could use to set their own limits.

None of those four actions is controversial — in fact, they're in line with the actions the states collectively asked EPA to take.

But participants of this week's summit at EPA headquarters noted Pruitt's speech leaned heavily on phrases like taking "steps" to "evaluate" issues, leaving some people unclear on exactly what would happen next.

Asked to clarify if Pruitt was committed to making a formal decision about regulating the contaminants, an agency spokesman said, "EPA remains committed to evaluating PFOA and PFOS under the regulatory determination process. As noted by the Administrator, we are taking steps to accelerate the determination process before the existing statutory deadline."

Environmentalists, for their part, were skeptical.

"It was pretty clear to me that EPA has not actually decided to do anything specific that will be meaningful at this point," said Erik Olson, who heads the Natural Resources Defense Council's health program.

Olson described Pruitt's plan as "a little bit of kabuki theater" meant to signal that the agency is going to take action, which could prompt states that are considering setting their own standards to put any efforts on hold. Those state pollution standards are often at far lower levels than EPA's 70 parts per trillion health advisory level for PFOA and PFOS.

"Either they're going to adopt something very weak that the chemical industry would be happy with, or they'll continue making noise like they're going forward to try and cool off any state effort for doing these standards," Olson predicted of Pruitt's EPA.

Even if the agency does move forward swiftly with regulating PFOA and PFOS under the Safe Drinking Water Act, experts say it's most likely to take five years before such a limit could go into effect. Amendments made to the Safe Drinking Water Act in 1996 require EPA to conduct a number of analyses on the costs and benefits before it can promulgate a new rule. No new contaminants have been regulated under the law since then.

Alan Roberson, who heads the Association of State Drinking Water Administrators, estimated that the fastest the agency could possibly finalize a new drinking water regulation would be December of 2021.

"I think that would be blinding speed," he said.

Moreover, PFOA and PFOS are just two of roughly 35,000 chemicals in the PFAS class, many of which are still in active use.

State representatives speaking at the conference Tuesday repeatedly voiced the need for more information about these chemicals, since they lack the ability to even detect many of them, let alone treat contaminated sites.

Brandon Kernen, with the New Hampshire Department of Environmental Services Drinking Water and Groundwater Bureau, said the newer chemicals have a shorter half-life, but that doesn't necessarily mean they're less harmful for humans.

"There's a lot more questions than answers, and we can't say they're safer," he said, and he called on businesses to submit more confidential data to EPA.

Increasingly, states, water managers and public health advocates are arguing that EPA and other federal agencies need to prevent PFAS chemicals from reaching water supplies in the first place. And some groups are urging EPA to use its authorities under the 2016 toxic chemicals law to restrict the use of these chemicals, and to curb or prohibit discharges into waterways under the Clean Water Act.

There's also increasing concern about the Food and Drug Administration's approvals to allow PFAS chemicals in food packaging — a use that chemical companies predicted could lead to hundreds of pounds of the chemicals being dumped into waterways daily, according to documents obtained under the Freedom of Information Act by the Environmental Defense Fund.

But restricting the chemicals' uses in those ways would be controversial. While the industry has supported some regulatory steps to deal with "legacy" chemicals like PFOA and PFOS that have been phased out in the U.S., it has argued that the newer chemicals it has replaced them with don't pose the same environmental concerns.

Many state officials argue that PFAS chemicals should be dealt with as a class, since developing analytical methods and setting limits for each individual one could suck up a huge amount of resources. But the chemical industry's lead lobbying group has specifically fought that approach.

"PFAS chemicals make up a family of chemistry encompassing a broad range of chemicals and products with widely varying physical and chemical properties, health and environmental profiles, uses and benefits," Jessica Bowman, senior director of global fluoro-chemistry for the American Chemistry Council said at the summit on Tuesday.

"Federal and state regulators must recognize these distinctions and the science that is available relative to the broad range of PFAS chemicals as they consider further actions," she said.

But states say the problem is already stretching them to capacity.

Heidi Grether, director of Michigan's Department of Environmental Quality, told the summit Tuesday at least five of her state's agencies are involved with PFAS issues, ranging from environmental contamination to effects on animals and crops.

"As you all know, we have a lot more questions than we have answers and that is an important part of this," Grether said.



## **Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/rep-dan-kildee-asks-inspector-general-to-probe-epa-for-limiting-access-to-chemical-summit>

### **Rep. Dan Kildee asks inspector general to probe EPA for limiting access to chemical summit**

By Josh Siegel, 5/24/18, 3:33 PM

Rep. Dan Kildee, who represents Flint, Mich., the site of the 2014 lead water crisis, asked the Environmental Protection Agency's inspector general on Thursday to conduct an investigation into the agency's decision to limit public access to a summit this week on dangerous chemicals that have contaminated water supplies.

"Unfortunately, the EPA's actions to block journalists and elected officials fit a disturbing pattern by the Trump administration when it comes to transparency in government. The actions by the Trump administration and Administrator [Scott] Pruitt give me great concern about the lack of accountability and transparency in our government," the Michigan Democrat wrote in a letter to EPA Inspector General Arthur Elkins obtained by the Washington Examiner.

Kildee said his staff was not allowed to attend the second day of the day-and-a-half summit at EPA headquarters Wednesday.

"I am deeply troubled by Administrator Pruitt and EPA's attempt to block access to a taxpayer-funded meeting, either for journalists or members of Congress," Kildee said. "Simply put, the public has a right to know what is happening inside their government."

The EPA closed Wednesday's session of the chemical summit to media and the public, saying the event was at capacity and was not subject to federal rules on public access.

"Both state and federal officials had the expectation that the second day of the summit would be a government-to-government discussion between federal and state co-regulators who are working together to address this important issue," said Peter Grevatt, the EPA's director of groundwater and drinking water.

The agency initially allowed only select reporters and the public to attend the first hour of Tuesday's opening session of the summit, where Pruitt delivered an opening address. But after an outcry, the agency opened the afternoon session to everyone.

Kildee's staff was invited to Tuesday's session, but did not attend it, the EPA said.

The Federal Advisory Committee Act says "any committee, board, commission, council, conference, panel, task force, or other similar group" used by an agency "in the interest of obtaining advice or recommendations" for the federal government must be open to the public.

The day-and-a-half summit, attended by state, local, tribal, industry, and nonprofit officials, focused on the challenge of removing toxic chemicals known as per- and poly-fluorinated substances, or PFAS, from water supplies. The chemicals have been linked with thyroid defects, problems in pregnancy, and certain cancers.

PFAS have been used since the 1940s in Teflon, nonstick pans, electronics, water-repellent clothes, and firefighting foam.

The meeting was held after emails produced by a Freedom of Information request showed that the EPA helped delay the release of a study that found PFAS in water are harmful to human health at lower levels than the agency previously deemed safe.

The study, conducted by the Centers for Disease Control and Prevention, said the EPA's benchmark for PFAS, at 70 parts per trillion, is six times higher than what it should be. It also said exposure to PFAS in drinking levels at just 12 parts per trillion can be dangerous.

Pruitt this week said he has no authority to release the study, saying that power rests with the Health and Human Services Department, which prepared the study.

The EPA's inspector general is already probing Pruitt for his frequent first-class travel, heavy use of the agency's security detail, and other ethics and spending issues.

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### **CBS News**

<https://www.cbsnews.com/news/epa-pruitt-spent-3-5-million-on-security-during-first-year-in-office/>

#### **EPA: Pruitt spent \$3.5 million on security during first year in office**

By Arden Farhi and Jacqueline Alemany, 5/25/18, 12:05 PM

Taxpayers spent about \$3.5 million on security for Environmental Protection Agency Administrator Scott Pruitt during his first year in office, according to records released by the agency Friday. That total includes \$2.7 million on salary and overtime and more than \$750,000 in travel costs.

Compared with his predecessors, Pruitt's security costs are significantly higher.

Between 2009 and 2016, spending ranged from \$1.6 million to \$2 million annually for the two previous administrators' security. Patrick Sullivan, the EPA's Assistant Inspector General for Investigations, claimed that Pruitt faced significant more threats than the previous administrator, Gina McCarthy.

The AP previously reported that the EPA spent nearly \$3 million dollars in taxpayer money on an around-the-clock, 20-member security detail that was also significantly larger than his predecessors' detail.

"Administrator Pruitt has faced an unprecedented amount of death threats against him and to provide transparency EPA will post the costs of his security detail and pro-actively release these numbers on a quarterly basis. Americans should all agree that members of the president's cabinet should be kept safe from violent threats," EPA spokesman Jahan Wilcox said.

CBS News reported in April that Pruitt received tweets threatening to "put a bullet between your eyes" and another wishing him "a very painful and horrible death through poisoning."

Pruitt's daughter also received a menacing message on Facebook, the document obtained by CBS News revealed.

The administrator has also drawn criticism for flying first class during his first year in office, an expense that contributed to the substantial overall figure.

During an interview in February with CBS News White House correspondent Major Garrett, Pruitt said that he would start flying coach, depending on the nature of various security threats.

"There's a change coming, because look the security threat matters," Pruitt said. "What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight. So those things are happening right away."

Pruitt's expenditures have remained the subject of intense scrutiny. Yet the embattled cabinet secretary has remained in Mr. Trump's good graces despite being the target of at least 10 investigations into various potential ethical violations.

The EPA's Office of Inspector General could not comment on the total number of EPA OIG audits, but it has made at least five investigations publicly known and has received seven additional requests to investigate various other issues that have been folded "into ongoing audits and/or will start the review once resources become available."

Investigations into Pruitt's travel, protective service detail, emails, and "authority to fill administratively determined positions" pay are ongoing, according to Kentia Elbaum, a spokesperson for the EPA inspector general.

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## **The Hill**

<http://thehill.com/homenews/house/389264-house-dems-request-information-from-epa-on-pruitts-legal-defense-fund>

### **House Dems request information from EPA on Pruitt's legal fund**

By John Bowden, 5/24/18, 3:36 PM

House Democrats on Thursday sent letters to Environmental Protection Agency (EPA) Administrator Scott Pruitt and the agency's Office of Inspector General (OIG) requesting information on a legal defense fund set up by Pruitt to defend himself in the midst of multiple scandals.

Rep. Don Beyer (D-Va.), the ranking member on the House Judiciary Committee, and a group of five other Democratic lawmakers are investigating "potential ethical problems" created by Pruitt's legal fund, which the EPA chief disclosed during a Senate hearing last week.

Other lawmakers on the letters included Reps. Ted Lieu (D-Calif.), Jerrold Nadler (D-N.Y.), Jamie Raskin (D-Md.) and Gerry Connolly (D-Va.).

"We have serious misgivings, however, about the potential ethical problems raised by such a fund, given your abysmal track record in such matters. We urge you to take all possible steps to mitigate any potential for conflicts of interest," the lawmakers wrote.

Specifically, the Democrats warned Pruitt against accepting anonymous donations to the fund, which they said would conflict with recent guidelines set by the Office of Government Ethics. Any donation above \$390 to the fund must already be publicly disclosed, according to federal regulations.

"We are also concerned about the possibility of anonymous donations to your legal defense fund, as such donations could easily bypass prohibitions on donations from lobbyists and special interests with business before the EPA," they wrote.

"We strongly urge against any such delay in transparency, as lax disclosure would worsen already-severe mistrust of your leadership by Congress and the public."

Pruitt told a Senate committee last week that he is not personally involved with soliciting donations for the fund, which he says is handled by his attorneys.

"I don't accept donations. I don't solicit donations. That's done by attorneys and others," he said.

The EPA chief, whom President Trump has defended as scandals mount, is currently the subject of 12 separate investigations from the Government Accountability Office (GAO) and the EPA inspector general's office, according to Politico.

The investigations surround a number of Pruitt's dealings, including his \$50-a-night condo deal from the wife of an energy lobbyist and his construction of a \$43,000 soundproof booth that was found to be in violation of congressional laws.

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### **Huffington Post**

[https://www.huffingtonpost.com/entry/scott-pruitt-abortion\\_us\\_5b06ce55e4b05f0fc845a4aa](https://www.huffingtonpost.com/entry/scott-pruitt-abortion_us_5b06ce55e4b05f0fc845a4aa)

### **Scott Pruitt Twice Introduced Anti-Abortion Bills Giving Men 'Property Rights' Over Fetuses**

By Alexander C. Kaufman, 5/24/18, 4:57 PM

In 1999, Scott Pruitt, then an Oklahoma state senator, introduced a bill to grant men "property rights" over unborn fetuses, requiring women to obtain the would-be father's permission before aborting a pregnancy.

Pruitt, now the embattled administrator of the Environmental Protection Agency, submitted the legislation again in 2005.

The bill, which did not pass either time, faded from Pruitt's political legacy. But the legislation merits new examination as the EPA chief faces down an avalanche of corruption accusations. As HuffPost previously reported, Pruitt's support from right-wing evangelical Christians, a group that largely opposes abortion, has helped him keep his job amid calls from droves of Democrats and a handful of Republicans to fire the administrator.

And while his current role atop the EPA does not give him any official control over abortion policy, he has appeared alongside President Donald Trump in meetings with evangelical leaders, and his draconian history on the issue is of a piece with the administration. In one of Trump's first acts after taking office, he reinstated and expanded the Reagan-era "global gag rule," withholding federal funding from charities and aid organizations that counsel women on family planning options that include abortion. Last week, the White House proposed a new "domestic gag rule" that would strip Planned Parenthood of funding.

"It's not surprising that another member of Trump's inner circle is hostile to women," said Dawn Huckelbridge, a senior director at the progressive super PAC American Bridge, which opposes Pruitt and supports abortion rights. "But framing a fetus as a man's property is a new low."

American Bridge resurfaced the legislation and shared it with HuffPost. The EPA did not respond to a request for comment.

Pruitt has spent his 15 months at the EPA pushing to keep government out of the private sector. He's sought to radically deregulate the fossil fuel and chemical industries, clear the way for companies to produce more asthma-triggering pollution, allow deadly chemicals to remain on the market, and revise restrictions on teenage workers handling dangerous pesticides.

By contrast, the bill from his time as a state legislator stated that "it is the responsibility of the state to ensure that no person shall be deprived of life, liberty, or property, without due process of law," referring to a "fetus" as "property" that has been "jointly created by both father and mother."

The legislation would have barred doctors from performing abortions without signed statements of permission from the father, or evidence that the man could not be located "after diligent effort." If the pregnancy resulted from rape, the woman would be required to show "such assault has been reported to a law enforcement agency having the requisite jurisdiction."

Doctors who performed the procedure without that documentation would have risked losing their medical licenses, been “civilly liable to the father of the aborted child for any damages caused thereby,” and had to pay punitive fines of \$5,000.

In a statement to The Associated Press in 1999, Pruitt said a pregnant woman who were to obtain an abortion without meeting the bill’s criteria would face legal consequences. “She’ll be held accountable for it,” Pruitt said.

Pruitt also sought to restrict abortion in other ways. In 2001, when the Legislature was considering a bill to require that pregnant minors show parental permission before obtaining an abortion, he introduced an amendment to define a “fetus” as “any individual human organism from fertilization until birth.”

The timing of the bills came nearly a decade after the Supreme Court issued its landmark decision in *Planned Parenthood v. Casey*, in which it ruled that provisions requiring a woman to obtain her husband’s permission for an abortion were unconstitutional.

“He doesn’t agree with the court’s not viewing women as property and also doesn’t believe in the intellectual concept that women should have agency over their own reproductive choices,” said Leslie McGorman, deputy director at the advocacy group NARAL Pro-Choice America. “Frankly there’s not a whole lot more to tell except that he is the guy who his record indicates he is.”

“He carries that lack of concern for the greater good throughout all of the things he’s done in his career,” she added, referring to his rollback of environmental safeguards.

Until 2017, Pruitt served on the board of trustees at the Southern Baptist Theological Seminary in Louisville, Kentucky, an institution that has said “a wife is to submit herself graciously” to her husband. Around the time he first introduced the abortion bill, in 1999, Pruitt served on the board of the MEND Medical Clinic and Pregnancy Resource Center. Its current executive director, Forrest Cowan, has said unwed mothers have been “failed” by a “boyfriend, who values his own selfish gratification over responsibility, and her father, who should have had her back.”

Pruitt’s crusade against abortion rights continued after he left the state Senate to become Oklahoma’s attorney general. When a district court found a law requiring women to undergo an ultrasound before an abortion to be unconstitutional, Pruitt appealed the decision to the Oklahoma Supreme Court. After losing there, he unsuccessfully petitioned the U.S. Supreme Court to take the case.

In 2012, The Tulsa World excoriated Pruitt in an editorial for wasting “more taxpayer money ... on this misguided effort to control doctor-patient interaction and the practice of medicine — but only when women are concerned.”

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### **Daily Caller**

<http://dailycaller.com/2018/05/24/epa-taxpayer-dollars-regulatory-science/>

### **It’s Time The EPA Stops Taking Advantage Of Taxpayer Dollars For Regulatory Science (\*Op-Ed)**

By E. Calvin Beisner, 5/24/18, 4:50 PM

For decades, the Environmental Protection Agency (EPA) has been getting away with creating regulations that lack sound scientific basis, costing Americans hundreds of billions of dollars without solid evidence that such costs are justified.

There are two ways this is done.

First, the EPA simply disregards scientific results and regulates to satisfy a political pressure group. That was largely the case when in 1972, contrary to the EPA’s own scientific findings, but under heavy pressure from environmentalists, it

banned the use of DDT, the most effective, least expensive, safe pesticide by which to control or eradicate disease-carrying insects like mosquitos and lice.

The U.S. had already largely eliminated malaria by widespread spraying of DDT from the 1940s into the 1960s, so the ban didn't have immediate, large-scale negative consequences here. But it has made it more difficult to combat the recent spread of other insect-borne diseases like West Nile Virus, Zika, Lyme, spotted fever, and even malaria is making a comeback.

The greater impact of the DDT ban has been in developing countries. The EPA persuaded other federal agencies to withhold foreign aid from countries that used DDT. Most developing countries complied. The result has been hundreds of millions of cases of malaria every year and tens of millions of malaria-caused deaths over the last 45 years.

Second, the EPA built new regulations on "secret science" — studies whose authors refuse to grant other scientists access to the data, computer code and methodology behind them. Such studies are not subject to replication by other scientists. Yet, replication is the acid test of scientific research.

"Secret science" has been especially common as the basis for pollution regulation dependent on dose-response relationships and for regulation related to anthropogenic global warming (AGW).

Last month, EPA administrator Scott Pruitt requested public comment on a new rule titled "Strengthening Transparency in Regulatory Science" (STRS) designed to solve that problem.

STRS provides that "when promulgating significant regulatory actions, the Agency shall ensure that dose-response data and models underlying pivotal regulatory science are publicly available in a manner sufficient for independent validation." It codifies what was intended in the Secret Science Reform Act of 2015 and the Honest and Open New EPA Science Treatment Act of 2017 (HONEST Act), both of which passed the House but never came up for vote in the Senate.

The Cornwall Alliance for the Stewardship of Creation — a network of scientists, economists, and religious leaders dedicated to environmental stewardship and economic development for the poor — has issued and is gathering signatures to an open letter supporting the STRS that calls the proposed rule "badly needed to assure American taxpayers that the EPA is truly acting in their best interests."

Opponents of STRS raise three common — and, at first sight, credible — objections.

The first is that peer review ensures the quality of studies published in refereed journals, but there is actually no empirical evidence that peer review works well. Drummond Rennie, deputy editor of "The Journal of the American Medical Association" and intellectual father of the International Congresses of Peer Review, held quadrennially starting in 1989, has said, "If peer review was a drug, it would never be allowed on the market." In fact, as John P.A. Ioannidis demonstrated in a celebrated article in "PLOS/ Medicine," "Most scientific research findings are false."

The second common objection is that the rule would prevent the EPA from using studies that involve confidential information, such as personal health data or corporate proprietary information. In an open letter to EPA administrator Scott Pruitt, the Leftist, political-activist Union of Concerned Scientists (UCS) argued, "There are multiple valid reasons why requiring the release of all data does not improve scientific integrity and could actually compromise research, including intellectual property, proprietary and privacy concerns."

Yet Section 30.5 of the rule expressly states: "Where the Agency is making data or models publicly available, it shall do so in a fashion that is consistent with law, protects privacy, confidentiality, confidential business information, and is sensitive to national and homeland security." Section 30.9 allows the administrator to make exceptions when compliance isn't feasible.

A third common objection, also expressed in the UCS letter, is that "many public health studies cannot be replicated, as doing so would require intentionally and unethically exposing people and the environment to harmful contaminants or

recreating one-time events (such as the Deepwater Horizon oil spill).” But what needs to be replicable in studies of such events are not the events themselves but the procedures used to collect and analyze data and make inferences from them.

Consider, for example, a study that used tree-rings as proxy temperature measurements and purported to find that neither the Medieval Warm Period nor the Little Ice Age had occurred but that a rapid and historically unprecedented warming had begun in the late 19th century. The study became iconic for claims of dangerous AGW driven by human emissions of carbon dioxide.

No one needed a time machine to return to the 11th–20th centuries and regrow trees to recognize that the authors had committed confirmation fallacy by excluding certain data and misusing a statistical procedure, resulting in false results. All anyone needed was access to the raw data and the computer code used to analyze it.

Yet, the lead author’s long refusal to allow access to raw data and computer code delayed discovery of these errors for years, during which the Intergovernmental Panel on Climate Change, the public, and governments all over the world were led to believe its claims and formulate expensive policies based partly on those findings.

The UCS letter asserted that concerns about transparency and certainty raised by supporters of the rule “are phony issues that weaponize ‘transparency’ to facilitate political interference in science-based decision making, rather than genuinely address either.” But the irreproducibility crisis is real, not phony. Furthermore, enhanced transparency works against politicization, not for it. This objection is so patently invalid as to suggest that those who offer it are themselves weaponizing confidentiality to facilitate their own political interference in science-based decision making.

STRS will improve, not harm, the EPA’s mission to protect Americans from real environmental risks. It will also reduce the risks caused by unjustified but costly regulations. It should be adopted.

*Calvin Beisner, Ph.D., is Founder and National Spokesman of The Cornwall Alliance for the Stewardship of Creation.*

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## Reuters

<https://www.reuters.com/article/us-usa-epa-formaldehyde/pressured-by-industry-u-s-epa-slows-formaldehyde-study-release-documents-idUSKCN1IP3EX>

### **Pressured by industry, U.S. EPA slows formaldehyde study release: documents**

By Valerie Volcovici, 5/24/18, 3:33 PM, Updated 9:00 PM

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency, under pressure from the chemical industry, has delayed release of a study detailing cancer risks from formaldehyde, according to internal communications seen by Reuters, potentially keeping important health information from the public.

Top EPA officials have declined to review the study or be briefed by its experts on the findings, the internal communications showed.

The EPA already lists formaldehyde, used in building materials like plywood and foam insulation, as a probable carcinogen. The new report is expected for the first time to detail its links to leukemia.

The report, an update of the EPA’s existing human health assessment of the widely used chemical, was completed by scientists from the agency’s Integrated Risk Information System (IRIS) late last year and must go through a months-long internal review process before it can be issued to the public for comment.

The delay could further heighten scrutiny of EPA, already fending off complaints that it and the White House considered blocking a study on water contamination by PFOA and PFOS, chemicals used in Teflon and firefighting. Politico reported on May 14 that a Trump administration aide had warned release of that study would cause a “public relations nightmare.”

The Union of Concerned Scientists, a nonprofit science advocacy group, said delaying the report fits a broader pattern of the agency’s political leadership interfering with public health research.

“By sweeping scientific assessments under the rug, EPA fails to fulfill its mission of protecting public health. The public has the right to know about public health threats,” said Yogin Kothari, UCS Washington director.

The EPA told Congress in early February it expected to start the agency review process for the formaldehyde assessment “shortly,” according to the EPA staff communications.

But in follow-up communications between agency employees in late April, one career staffer wrote that EPA Chief of Staff Ryan Jackson, Assistant Administrator for the Office of Air and Radiation Bill Wehrum, and Wehrum’s deputy Clint Woods had not given their permission to initiate the review and had refused offers from EPA scientists to brief them on it.

“No office in the EPA is interested in formaldehyde,” the staffer wrote.

The 60-to-90-day agency review and a subsequent inter-agency review of a similar duration must happen before the study can be issued for public comment.

Prior to the communications, the chemistry industry’s main lobby group, the American Chemistry Council (ACC), had been pressuring the EPA to avoid drawing links between formaldehyde and leukemia in its assessment.

EPA’s deputy assistant administrator of the Office of Chemical Safety and Pollution Prevention, Nancy Beck, previously served as director of regulatory science policy at the ACC. Beck is not named in the communication.

#### SCIENTIFICALLY INDEFENSIBLE

The lobby group met with EPA political staff, including Deputy Assistant Administrator for the EPA’s Office of Research and Development Richard Yamada, on January 24 to make a presentation on the subject, ACC Formaldehyde Panel spokeswoman Sarah Scruggs told Reuters.

She provided Reuters a link to the presentation, titled “Formaldehyde IRIS Assessment.”

“Any draft assessment that attempts to associate formaldehyde exposure with leukemia is scientifically indefensible,” Scruggs said, adding that the ACC questions the “scientific rigor and methodologies” used by IRIS.

EPA spokeswoman Molly Block declined to comment on the delays or the ACC’s possible role.

“We continue to discuss the assessment with our agency program partners and have no further updates to provide at this time,” she said in an email.

Reuters was able to review the staff communications on condition that the identities of the people involved remained anonymous, given sensitivity of the issue.

EPA’s last attempt to update its assessment of formaldehyde in 2010 had been criticized by the National Academy of Sciences (NAS) for failing to draw “clear links” between formaldehyde and leukemia. The new attempt was meant to resolve that.



The NAS supported the prior EPA assessment's finding that formaldehyde can, in certain cases, cause cancer in the nose and throat.

Democratic senators Ed Markey, Sheldon Whitehouse and Tom Carper last week wrote to EPA chief Scott Pruitt to ask about delays to the report and request communications between the EPA and ACC related to the formaldehyde assessment, saying they were concerned the agency was bowing to industry pressure.

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## **Bloomberg**

<https://www.bloomberg.com/news/articles/2018-05-24/california-air-boss-evokes-canceled-kim-summit-in-swipe-at-trump>

### **California Air-Quality Official Takes a Swipe at Trump**

By John Lippert, 5/24/18, 6:38 PM

California's top air-quality official disputed the Trump administration's description of a meeting about the future of fuel economy standards, suggesting it was actually a dud.

"Sounds like a great meeting based on the WH press release. Too bad it's not the one we attended," Mary Nichols, the chair of the state's Air Resources Board, tweeted Thursday, attaching an image of a statement released by the U.S. Transportation Department and Environmental Protection Agency.

"To quote the President on cancelling his planned summit with Kim Jong-un, 'If and when (@USDOT & @EPA) choose to engage in constructive dialogue and actions, I am ready,'" Nichols wrote.

The Transportation Department and EPA had described Wednesday's meeting with Nichols as productive and said they were moving ahead with a joint proposal to amend federal auto-efficiency rules. Automakers have stressed a strong desire for California and federal regulators to continue coordinating fuel-mileage and emissions standards as part of a national program that would set consistent requirements for companies nationwide.

California Governor Jerry Brown said in an interview Wednesday that the state won't give in to demands that its auto-emission standards be watered down and is prepared to litigate the matter until Trump is out of office.

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## **AP**

<https://apnews.com/ab701c21fbc647228a70234c38d21add/Judge-wants-state-US-EPA-to-take-lead-on-Lake-Erie-algae>  
**Judge wants state, US EPA to take lead on Lake Erie algae**

5/25/18

TOLEDO, Ohio (AP) — A federal judge overseeing a lawsuit in Ohio says he wants state and federal regulators to take serious steps to find and implement solutions to Lake Erie's persistent algae problem instead of leaving the issue to the courts.

U.S. District Judge James Carr met earlier this week with lawyers from the U.S. Environmental Protection Agency and an environmental group to discuss what should happen next.

Carr said last month that state and federal agencies have mishandled the issue over whether the lake should be designated as impaired.

The Blade reports Carr said it's time for tougher rules to clean up the lake and to prevent the formation of sometimes toxic algae blooms that plague the lake's western basin each year.

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## **The Hill**

<http://thehill.com/opinion/energy-environment/389271-why-epas-drop-in-pollution-cases-is-so-scary>

### **Why EPA's drop in pollution cases is so scary (\*Op-Ed)**

By Michael Mikulka, 5/24/18, 4:30 PM

Law enforcement by the U.S. Environmental Protection Agency fell significantly in 2017. It'll be worse in 2018. EPA is failing to conduct wide-ranging investigations to protect human health.

EPA initiated 20 percent fewer civil cases and 30 percent fewer criminal enforcement cases during fiscal 2017. The number of defendants charged, and inspections conducted have all hit the lowest point in a decade. That is not accidental. Pruitt seems to be putting up roadblocks to investigations. Under Trump, enforcers must navigate through a gauntlet of obstacles to bring an enforcement action across the finish line.

EPA is thwarting its own workforce's efforts to determine compliance with environmental law by restricting the use of the most powerful investigative tools provided to EPA by Congress. Authorities that allow for investigations under the Clean Air Act, the Clean Water Act and the Resource Conservation and Recovery Act May compel polluters to test whether they are in compliance with those laws. But Pruitt has taken away much of this "testing" power from local EPA officials, who are insulated from political pressure, and given it to appointees loyal to Trump.

Use of these investigative tools has slowed to a standstill. In last years of the Obama administration, EPA's Great Lakes Office sent requests for environmental testing to approximately 43 facilities per year. After political appointees took over the approval of environmental testing, only four requests were made by the Chicago office in eight months. In December 2017, the New York Times reported EPA similar decline at the Denver EPA office.

The enforcement slowdown has been compounded by the departure of 900 EPA employees since Trump's election. EPA has blocked the hiring of enforcers to replace the staff who specialize in bringing environmental cases.

Without investigators, EPA cannot discover a violation of the law. Pruitt is refusing to use funds appropriated by Congress to hire new investigators. Enforcement is being starved of personnel.

Investigation and analysis of environmental data is crucial to the protection of public health. EPA tried to block the release of a report detailing the dangers of PFOA poisoning.

Polytetrafluoroethylene, or PFOA, and associated compounds PFOS and PFAS, used for decades in the production of textiles, paper, metal-plating and semiconductors are linked to cancer, thyroid disease and weakened childhood immunity.

PFAS chemicals now contaminate the drinking water systems serving 16 million Americans in 33 states. EPA has dragged its feet on regulating PFAS chemicals, despite convincing evidence that they are hazardous at very low doses. EPA failed to set a PFAS legal limit in 2017. Instead, it proposed an ineffectual non-enforceable lifetime health advisory level.

As reported in Politico, the Agency for Toxic Substances and Disease Registry (ATSDR), prepared to publish a draft recommendation for "very, very low" minimal risk levels for the chemicals, ranging as low as 12 ppt, EPA political appointees quashed the action. If EPA thwarts the release of information about what is harming us, how will we ever stop the harm?

The bulk of EPA enforcement is conducted in 10 regional offices. Historically, those offices were allowed a measure of autonomy in pursuing local cases, only requiring consulting with EPA's DC office on nationally significant cases.

Now, EPA's Office of Enforcement and Compliance Assurance (OECA) headed by Susan Bodine, a longtime former lawyer for industry, has disrupted the initiation of local enforcement actions by personally reviewing case materials before they are submitted to DOJ.

Political appointees weigh in over whether EPA refers a case to the Department of Justice, or whether EPA files a case through DOJ in federal court. Political appointees dictate the terms EPA may use to settle enforcement cases, even in routine situations. At each turn, politics, not the facts, seem to tilt the scale towards polluters.

Further, EPA has now allowed states an unprecedented say over whether to bring an action against a violator in their state. Data showing a violation is often turned over to a state environmental agency, where the fines and compliance terms demanded are notoriously less stringent, or lawbreakers may not be penalized at all. When enforcement is ineffective, widespread disregard of compliance ensues, leading to immeasurably more pollution.

We can't afford any more threats to the health of Americans. We must allow EPA to fulfill its intended mission, stop environmental polluters and provide all citizens with breathable air, drinkable water and safe land.

*Michael Mikulka is president of American Federation of Government Employee Local 704, representing EPA Region 5 workers protecting Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.*

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**AP**

<https://apnews.com/2d085fe69af243e398a143505e4c0fd7/Environmentalists-take-aim-at-power-plant's-discharge-permit>

### **Environmentalists take aim at power plant's discharge permit**

By Susan Montoya Bryan, 5/24/18

ALBUQUERQUE, N.M. (AP) — Environmental groups are accusing U.S. regulators of violating clean water rules by repeatedly delaying action on a discharge permit for a coal-fired power plant that provides electricity for customers in three western states.

The Sierra Club and others contend in papers filed Wednesday in federal court that without a new permit, the communities surrounding the Four Corners Power Plant in northwestern New Mexico remain exposed to heavy metals and other pollutants that are released into drainages that eventually lead to the San Juan River.

They are seeking to force the U.S. Environmental Protection Agency to take action on a permit renewal application that was initially filed in 2006.

They called the delays unreasonable, saying that in the 12 years the agency has failed to take final action there have been technological advances that could have further reduced degradation of the area's water quality.

"The water pollution permit for the Four Corners coal plant is based on facts and technology from last century," Gloria Smith, an attorney with the Sierra Club, said in a statement. "In 2018, it is unconscionable for the EPA not to protect public health and the environment from the coal pollution that now flows into the San Juan River."

An agency spokeswoman did not immediately return a message seeking comment.

Arizona Public Service Co., the utility that runs the plant, said the permit has been extended administratively by the agency over the years and that it is meeting water quality regulations.

Federal regulators have done numerous inspections and no violations have been found, utility spokeswoman Suzanne Trevino said Thursday.

Located on tribal land, the Four Corners plant produces electricity for customers in Arizona, New Mexico and Texas. It's one of three coal-fired generating stations in the region that have scaled back operations as utilities shift toward natural gas and renewable sources because of regulations and economic forces.

Critics have long complained that the Four Corners plant and the nearby San Juan Generating Station emit more pollution than any other source in North America and that the pollution degrades air and water resources throughout the San Juan Basin.

The two remaining units at Four Corners burn about 19,000 tons of coal a day, according to the complaint.

Water discharge permits are supposed to be renewed every five years as part of a process that includes public comment and a chance for people to appeal once a final permit is issued.

The environmentalists say that hasn't happened in the case of the Four Corners permit. They argue that the result has been unnecessary delays in the monitoring and management of pollution seeping from the plant's coal ash disposal areas as well as a delay in the collection and dissemination of information about the effects of pollution on endangered fish in the San Juan River.

The other environmental groups include: The Center for Biological Diversity, the San Juan Citizens Alliance, Amigos Bravos and Dine CARE.

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#### **Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/chemical-safety-board-faults-texas-chemical-plant-that-exploded-during-hurricane-harvey>

#### **Chemical safety board faults Texas chemical plant that exploded during Hurricane Harvey**

By Josh Siegel, 5/24/18, 4:45 PM

The U.S. Chemical Safety Board said Thursday that the Arkema chemical plant in Crosby, Texas was poorly prepared to defend itself from explosions at the facility that resulted from Hurricane Harvey flooding last August.

The safety board released its final report of the Aug. 31 chemical plant explosion, warning that chemical facilities must better prepare for the "greater likelihood" of extreme weather events as hurricane season approaches.

"Our investigation found that there is a significant lack of guidance in planning for flooding or other severe weather events," said Vanessa Allen Sutherland, chairwoman of the Chemical Safety Board. "Based on other government reports, we know that there is a greater likelihood of more severe weather across the country. As we prepare for this year's hurricane season, it is critical that industry better understand the safety hazards posed by extreme weather events."

Arkema is a multinational company based in France.

The Arkema chemical plant manufactures and distributes organic peroxides used to produce consumer goods such as surface countertops and polystyrene cups and plates.

In the days leading up to the fire at Arkema, the board said heavy rain caused equipment to flood and fail. As a result, chemicals stored at the plant decomposed and burned, releasing fumes and smoke into the air.

Containers of organic peroxides, which are combustible if not kept refrigerated, burst into flames at the Arkema facility after power outages caused by Hurricane Harvey shut off cooling systems that kept the chemicals stable.

Workers at the Arkema facility moved the organic peroxides from low temperature warehouses to refrigerated trailers. Three of those trailers, however, were flooded and failed, the board said.

With no refrigeration, there was nothing to stop the chemicals from heating up and catching fire.

All of Arkema's employees evacuated the facility, and more than 200 residents living nearby left the area and could not return home for a week. Twenty-one people received medical attention from exposure to the fumes and smoke.

A group of first responders sued Arkema after the fire, claiming they suffered "serious bodily injuries" from exposure to the toxic chemicals. The plaintiffs were manning the perimeter of a 1.5-mile evacuation zone imposed two days before the explosions, and the lawsuit alleged that after the blasts happened, no one from Arkema told the first responders.

The Chemical Safety Board is an independent federal agency that investigates chemical accidents. The agency's board members are appointed by the president and confirmed by the Senate.

In its final report, the safety board called for improved chemical industry guidance to help facilities better prepare for extreme weather events, such as flooding, so that similar incidents can be avoided.

The board said facilities should perform an analysis to determine susceptibility to potential extreme natural events.

To guard against flooding events, facilities should install independent layers of protection for equipment.

The Environmental Protection Agency in September opened an inquiry into whether the Arkema chemical plant followed federal safety rules to protect against hazards, following explosions at the facility from Hurricane Harvey.

EPA Administrator Scott Pruitt authorized a request for information to Arkema under Section 114 of the Clean Air Act about whether the company complied with a risk management plan filed with the federal government.

Depending on the information obtained by the EPA, the agency can issue administrative, civil or criminal action against Arkema. The status of that inquiry is unclear.

Message

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**From:** Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]  
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**Subject:** Response to the May 30, 2018, OIG Draft Report, "Agents Assigned to Protective Service Detail Lack Statutory Authority to Protect the EPA Administrator," and Revised Recommendations 2, 3 and 4  
**Attachments:** Agency response to OIG Draft Report for Project No. OA-FY16-0265 Agents Assigned to Protective Service Detail Lack Statutory Authority To Protect the EPA Administrator.pdf; OECA Comments on Revisions to Recommendations in the OIG Draft Report, Project No. OA-FY16-0265, dated May 30, 2018 (Word Version 8-14-18).docx

Art,

Attached is the Agency's full response to OIG's May 30, 2018, OIG Draft Report, "Agents Assigned to Protective Service Detail Lack Statutory Authority to Protect the EPA Administrator," including a response to the revised recommendations numbered 2, 3 and 4, that were transmitted by an email from John Trefry on August 1, 2018.

Please ensure that the entire attachment is included in the Final Report. It includes the June 29, 2018 memorandum from myself, Matt Leopold, and Holly Greaves, the June 29, 2018 General Counsel Office opinion, a redline of the May 30, 2018 draft report, and an August 14, 2018 memorandum from myself addressing the revised recommendations.

A word version of the August 14, 2018 memorandum also is attached. A hard copy of this full response will be delivered to your office in the morning.

Thank you,

Susan

Susan Parker Bodine  
Assistant Administrator  
Office of Enforcement and Compliance Assurance  
202-564-2440



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 14 2018

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**MEMORANDUM**

**SUBJECT:** OECA Comments on Revisions to Recommendations in the OIG Draft Report, "*Agents Assigned to Protective Service Detail Lack Statutory Authority to Protect the EPA Administrator*," Project No. OA-FY16-0265, dated May 30, 2018

**FROM:** Susan Parker Bodine, Assistant Administrator

**TO:** Arthur Elkins, Inspector General

**CC:** Matthew Z. Leopold, General Counsel  
Holly W. Greaves, Chief Financial Officer

On June 29, 2018, the Office of General Counsel, the Office of Enforcement and Compliance Assurance, and the Office of the Chief Financial Officer provided comments (both narrative and a red-line strikeout) on OIG Project No. OA-FY16-0265, relating to the Administrator's protective service detail. On that date you also received an Opinion of the Office General Counsel identifying the source of the Agency's legal authority to provide protective services to the Administrator.

On July 23, 2018, we met with Charles Sheehan and members of the OIG staff to discuss the unsupported statements in the Draft Report for OIG Project No. OA-FY16-0265. It was our understanding from that meeting that the OIG recognized there were significant problems with the original Draft Report and would be making extensive changes, including considering revising the Report title, since the title of the Draft Report was inaccurate and misleading. Given this unusual circumstance and to ensure our comments are relevant to the actual report to be released by the OIG, we requested the opportunity to review and comment on the revised report. However, the OIG denied this request.

Instead, on August 1, we received an email with changes to recommendations 2, 3, and 4. We are left to assume that all of chapter 2, on which recommendations 1 and 2 were based, as well as all of chapter 3, on which recommendations 3, 4, and 5 were based, remain in the report, despite the unsupported statements in those chapters.

Accordingly, the June 29, 2018, comments, including the memorandum and the red-line strikeout, remain the Agency's response to the Draft Report, and this memorandum addresses only the revised recommendations. For those recommendations with which the Agency agrees, we have provided corrective actions and estimated completion dates. For those recommendations with which the Agency does not agree, we have explained our position and proposed alternatives to the recommendations.

It is important to understand, with respect to Recommendations 3 and 4, that a threat analysis, while informative, is not dispositive of a decision to provide protection nor what level of protection should be



provided. Further, the lack of threats does not mean that there is no risk or that protective services are not justified. If Recommendations 3 and 4 are not revised as suggested below, the Agency non-concurs on both.

Please include both today's comments and those submitted on June 29 in your final report on the Protection Service Detail.

# **AGENCY'S RESPONSE TO REPORT RECOMMENDATIONS:**

## **Agreements:**

No.	Revised Recommendation	Response	Intended Corrective Action(s)	Estimated Completion by Date, Quarter and FY
2	Implement the Office of General Counsel opinion through new policies, procedures and/or guidance that defines the amount of time agents must spend on investigating environmental crimes and how the time will be monitored and documented by supervisors.	Concur.	OECA/OCEFT will develop new policies, procedures and/or guidance that defines the amount of time agents must spend on investigating environmental crimes, informed by the General Counsel opinion.	Initiated tracking time agents spend investigating environmental crimes September 30, 2017 (4 <sup>th</sup> quarter 2017).  Develop policies, procedures, and/or guidance by September 30, 2018 (4 <sup>th</sup> quarter FY 2018).
3	Have the Office of Criminal Enforcement, Forensics and Training complete and document a threat <i>analysis</i> for the EPA Administrator on a regular basis to <i>justify</i> the proper level of protection required for the Administrator.	Concur if revised to state, "Have OECA/OCEFT complete and document a threat analysis for the EPA Administrator on a regular basis."  As discussed in the Agency's June 29, 2018 response to the draft report, a threat analysis, while informative, is not dispositive of a decision to provide protection nor what level of protection should be provided. Further, the lack of threats does not mean that there is no risk or that	1.OECA/OCEFT to conduct and document a threat analysis on a regular basis (approximately twice a year).  2.OECA AA and law enforcement professionals in the PSD to discuss threat analyses with the Administrator to inform decisions regarding level and type of protection.	Regular threat analyses initiated January 2018 (2 <sup>nd</sup> quarter FY 2018).

		protective services are not justified.		
4	Using a justified level of protection based on a threat <i>analysis</i> , determine appropriate staffing and corresponding schedules for Protective Service Detail agents.	See comments above regarding recommendation 3. Concur if revised to state, "OECA should provide information, including the results of a threat analysis and discussions with the protectee, to help inform decisions regarding the appropriate level of protection. OCEFT should then establish the staffing and corresponding schedules for Protective Service Detail agents."	OECA/OCEFT to manage staffing and scheduling of the Administrator's protective service detail based on the level of protection.	Initiated February 2017 (2 <sup>nd</sup> quarter FY 2017).

#### CONTACT INFORMATION:

If you have any questions regarding this response, please contact Gwendolyn Spriggs, OECA's Audit Follow Up Coordinator on 202-564-2439, or via email, [spriggs.gwendolyn@epa.gov](mailto:spriggs.gwendolyn@epa.gov).

#### Attachments:

1. Agency response dated June 29, 2018
2. Agency tracked changes of Draft Report
3. OGC Legal Opinion dated June 29, 2018

cc: R. Jackson, OA/COS  
C. Sheehan, OIG/DIG  
K. Christensen, OIG/AIG  
J. Trefry, OIG/Director  
L. Starfield, OECA/PDAA  
P. Traylor, OECA/DAA  
H. Barnet, OCEFT/OECA/Director  
P. Mazakas, OCEFT/OECA/Director  
M. Monson, OGC/AFC  
B. Trent, OCFO/AFC  
G. Spriggs, OECA/AFC





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 29 2018

**MEMORANDUM**

**SUBJECT:** Response to the May 30, 2018, Office of Inspector General's Draft Report,  
"Agents Assigned to Protective Service Detail Lack Statutory Authority to Protect the  
EPA Administrator"

**FROM:** Matthew Z. Leopold, General Counsel *Matthew Z Leopold*  
Office of General Counsel

Susan Parker Bodine, Assistant Administrator *Susan Parker Bodine*  
Office of Enforcement and Compliance Assurance

Holly W. Greaves, Chief Financial Officer *Holly W Greaves*  
Office of the Chief Financial Officer

**TO:** Arthur Elkins, Inspector General  
Charles Sheehan, Deputy Inspector General  
Office of Inspector General

Thank you for the opportunity to respond to the issues and recommendations presented in the Office of Inspector General Draft Report, Project No. OPE-FY16-0265 regarding the protection of the EPA Administrator. The Office of General Counsel and the Office of Enforcement and Compliance Assurance disagree with the facts and legal conclusions set forth in the draft report, as set forth in this letter as well as in the June 29, 2018, legal opinion of the General Counsel and the attached redline of the draft report. The Office of the Chief Financial Officer believes that the draft report includes misstatements, which are corrected in the attached redline.

**Chapter 2: EPA PSD Agents Lack Statutory Authority to Perform Law Enforcement Functions**

Chapter 2 of the draft report states: "We concluded that the EPA's Protective Service Detail (PSD) agents lack statutory authority to provide protective services for the EPA Administrator." That statement is incorrect as a matter of law. PSD agents possess proper authority to perform protective services for the Administrator under 5 U.S.C. § 301. Further, PSD agents' law enforcement authority, which includes the authority to make arrests and carry firearms, is derived from 18 U.S.C. § 3063, provided they have responsibility for the investigation of environmental crimes.

The Office of Inspector General (OIG) draft report improperly conflates the Agency's general authority to provide protective services with the "law enforcement authority" of PSD agents. The authority to provide protective services is separate and apart from PSD agents' authority to carry firearms, execute warrants, make arrests, and perform other law enforcement functions. This improper conflation results in numerous errors throughout the draft report. Prior to the issuance of the draft Chapter 2, Office of General Counsel (OGC) conveyed the clear legal authority for both the existence of the PSD itself and the PSD agents' law enforcement authority to the OIG auditors.

The Agency has clear authority to assign employees to provide protective services under 5 U.S.C. § 301, as confirmed by Comptroller General decisions. In 1975, the Comptroller General determined that “if a government official were threatened or there were other indications that he was in danger, and if it were administratively determined that the risk were such as to impair his ability to carry out his duties, and hence to affect adversely the efficient functioning of the agency, then funds of his agency, the use of which was not otherwise restricted, might be available to protect him, without specific statutory authority.” See 54 Comp. Gen. 624 (Jan. 28, 1975). Thus, all agencies, including EPA, have authority to expend appropriated funds to protect government officials.

As OGC staff had previously informed your staff, PSD agents derive law enforcement authority from 18 U.S.C. § 3063 whenever they have responsibility for the investigation of environmental crimes. 18 U.S.C. § 3063 states in part:

“Upon designation by the Administrator of the Environmental Protection Agency, any law enforcement officer of the Environmental Protection Agency with responsibility for the investigation of criminal violations of a law administered by the Environmental Protection Agency, may— (1) carry firearms; execute and serve any warrant ... ; and (3) make arrests without warrant ... .”

Chapter 2 incorrectly states that “...because the duties of PSD agents do not comport with the plain language of 18 U.S.C. § 3063 ... they are not authorized to carry firearms and conduct other law enforcement activities pursuant to that statute.” Chapter 2 also incorrectly states that, “the agency appears to have taken the position that the law enforcement powers given to the Criminal Investigations Division (CID) agents under 18 U.S.C. § 3063 were automatically transferred to the agents’ work in PSD.” These assertions are inaccurate. OIG’s analysis ignores PSD agents’ actual current duties, specifically the vital fact that part of a PSD agent’s time is spent on criminal investigatory work. OIG failed to include this key fact in its analysis, even though the Agency clearly noted this fact to the OIG. The fact that PSD agents currently spend some of their time investigating environmental crimes means that PSD agents *do* perform work that comports with the plain language of the statute. There is no “transfer” of authority from CID agents to PSD agents. PSD agents, like other CID agents, derive their law enforcement authority from 18 U.S.C. § 3063 provided they have responsibility for the investigation of environmental crimes.

The law enforcement authority conferred by 18 U.S.C. § 3063 is broad, as evidenced by the plain language of the statute which provides the authority for agents to make arrests for “any offense against the United States.” 18 U.S.C. § 3063(3)(A). By meeting the plain language requirements of 18 U.S.C. § 3063 by maintaining responsibility for the investigation of environmental crimes, PSD agents carry that full law enforcement authority beyond the investigation of environmental crimes to their security work for the Administrator.

As requested in Chapter 2 of your draft report, on June 29, 2018, you received an opinion from the General Counsel that “articulates the underlying legal basis for the authority of the Protective Service Detail’s agents.” Therefore, the Agency has fulfilled your Chapter 2 recommendation and it is our expectation that Chapter 2 of the draft report will be deleted and the remainder of the draft report revised accordingly.

#### **PSD Lacks Final Standard Operating Procedures for Providing Protective Services**

Chapter 3 of the draft report concludes that: “The PSD lacks policies, procedures and standard operating procedures for the operational and administrative functions it performs” and “the services that the PSD provides to the Administrator are based on unsupported management decisions and discretion.” The draft report draws this conclusion because the report rests on the inaccurate premise that a “formal threat assessment” is necessary to justify a level of protective services. Based on this faulty premise, the draft report then erroneously concludes that the absence of a “formal threat assessment” is the cause of the increase in the costs of protective services.

The draft report references Department of Justice definition of threat assessment from a report on managing terrorism and concludes that EPA must conduct a similar type of threat assessment to justify providing protective services. Specifically, the draft report recommends that the PSD conduct formal threat assessments that are based on “comprehensive and rigorous research and analysis,” that incorporate “knowledge, assessments, and understanding of state, local, and private organizations and agencies,” and that “assimilate germane, open source, or nonproprietary threat assessments, as well as intelligence information.”

We disagree. While a threat assessment is a useful tool, it is just one tool. Further, the lack of threats does not mean that there is no risk or that protective services are not justified.

According to the Secret Service:

“The purpose of U.S. Secret Service threat assessment and protective intelligence activities is to identify, assess, and manage persons who might pose a threat *to those we protect*, while the goal of these activities is to prevent assassination attempts.”<sup>1</sup>

A threat assessment evaluates known threats. It does not address persons who do not make threats, who, according to the Secret Service, represent the majority of persons who attack public officials.<sup>2</sup> Thus, a threat assessment, while informative, is not dispositive of a decision to provide protection nor what level of protection should be provided. A protectee could be at risk even if there are no direct threats made against him or her.

For example, James Hodgkinson, who attacked members of the Republican Congressional baseball team on June 14, 2017, made no threats prior to his attack.<sup>3</sup> A threat assessment as envisioned in the draft report would not have identified a need for the protective services provided to the House Majority Whip, Steve Scalise, on that day. However, if his detail had not been present at the morning practice of the Republican team, it is likely that most of the members of that team would now be dead.

The Secret Service’s review of Jared Lee Loughner’s actions before he shot Representative Gabrielle Giffords leads to similar conclusions. Mr. Loughner did not threaten Representative Giffords prior to attacking her. However, he had developed a pattern of disturbing behavior. In a review of this shooting,

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<sup>1</sup> Protective Intelligence & Threat Assessment Investigations, A Guide for State and Local Law Enforcement Officials, Research Report, U.S. Department of Justice, Office of Justice Programs (July 1998), at iii (emphasis added).

<sup>2</sup> Protective Intelligence & Threat Assessment Investigations, *supra* note 1, at 14.

<sup>3</sup> The Congressional Shooter: A Behavioral Review of James Hodgkinson, Department of Homeland Security, United States Secret Service, National Threat Assessment Center, October 2, 2017, at 1.

the Secret Service found that in many cases attackers had previously come to the attention of law enforcement, even though they had not made threats against protectees. Based on this finding, the review recommends collection of information from a broader range of sources to assess an individual's risk for violence. Specifically, the Secret Service made recommendations regarding the scope of a threat assessment similar to those in the draft report:

When someone comes to the attention of law enforcement for engaging in threatening or concerning behavior, a threat assessment investigation may be initiated to assess the individual's risk for engaging in targeted violence. When conducting a comprehensive assessment of the risk a person may pose, it is essential to gather detailed information from multiple sources to enhance your understanding of the individual's life circumstances and why the individual engaged in the behavior that brought him or her to the attention of law enforcement.<sup>4</sup>

However, the difference between the Secret Service recommendations and the draft report is that the Secret Service does not suggest that a broad, system-wide, threat assessment is a predicate to providing personal protective services. Even if a protection unit embraces this systems approach for threat assessment investigations, there is no guarantee that all threats can be identified and risk eliminated.

Protective services are provided based on risk as well as threat assessments. Some protectees are at risk simply based on the positions they hold. We are, unfortunately, living in an era when political discourse is no longer polite and persons feel that political disagreements justify making statements on social media that incite violence. For example, in early June 2018, Occupy Wall Street posted the current EPA Administrator's home address and encouraged persons to "take yr pitchfork to him directly." The person who originally posted that message may not pose a threat, but someone like James Hodgkinson could read that message and decide to take action.

Mr. Hodgkinson had been a supporter of Occupy Wall Street and on March 22, 2017, Hodgkinson posted on his Facebook page that he signed a Change.org petition calling for the removal of the President and Vice President of the United States from office for treason. He also commented on his post saying, "Trump is a Traitor. Trump Has Destroyed Our Democracy. It's Time to Destroy Trump & Co." Later, Mr. Hodgkinson drove to the Washington, D.C. area from his home in Illinois and attacked the Republican Congressional baseball team.

The draft report appears to assume that more complex threat assessments can reduce or eliminate the need for physical protection, thereby reducing costs. That assumption is not supported. As noted above, a threat assessment is an investigation into a known threat to try to prevent attacks. However, since most attacks are not preceded by a threat, physical protection remains a necessity. Further, the cost of conducting threat assessments of the scope described in the draft report could increase, not decrease, the PSD costs. We note that in FY 2017 the protective intelligence unit of the Secret Service included 204 agents and received \$43 million in appropriations. That unit includes the National Threat Assessment Center, which conducts research on targeted violence and publishes those findings.

In February 2017, the PSD was directed by the transition team for the new administration to provide 24/7 protection to the EPA Administrator, consistent with the level of protection provided to some other cabinet officials, and began to do so immediately upon his arrival. This level of protection has continued since that time due to continued risks and specific threats.

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<sup>4</sup> National Threat Assessment Center. (2015). Using a systems approach for threat assessment investigations. A case study on Jared Lee Loughner. Washington, DC: U.S. Secret Service, Department of Homeland Security.

At EPA, the OIG's Office of Investigations sets policy, coordinates, and has overall responsibility for criminal investigations of allegations of threats against EPA employees. If the threats are against the Administrator, the OIG shares its information with the PSD. The EPA Office of Homeland Security provides information to the PSD on any potential national security threats – domestic or international. The PSD uses information from multiple sources, including open-source information and information from our federal/state/local law enforcement partners, to provide protection. EPA will continue this information collection to identify risks to the safety of the EPA Administrator and to mitigate known threats. The Office of Criminal Enforcement, Forensics, and Training, since January 2018, now performs formal threat assessment every 90 days to inform decisions regarding protection of the EPA Administrator.

With respect to policies and procedures, OCEFT directives are applicable to the PSD and the PSD has standard operating procedures specific to protection work. OCEFT will update and finalize those SOPs.

#### **Payment Made in Excess of Statutory Pay Limit - Payroll**

The EPA's Office of the Chief Financial Officer is responsible for preparing the agency's biweekly time and attendance for transmission to the Department of Interior's Interior Business Center for payroll processing. OCFO internal controls related to biweekly pay cap requests and processing are in place and include 1) only allowing electronic updates and transmission of timecards to the pay roll provider from PeoplePlus, the agency's time and attendance system, ensuring biweekly pay is processed as intended and 2) only processing pay cap lift requests using the Pay Cap Lift SharePoint site ensuring requests are documented and authorized by the appropriate EPA personnel. IBC is implementing a new internal control in its payroll system, the Federal Personnel Payroll System, that will ensure that pay cap lift requests received from the agency are reviewed against the year worked. The combination of these processes and system improvements, coupled with the Office of Acquisition and Resource Management guidance on premium pay and premium pay requests will further strengthen the pay cap lift process and ensure the process performs as needed to avoid exceeding biweekly or annual pay caps inappropriately.

#### **RESPONSE TO RECOMMENDATIONS:**

OGC, OECA, and OCFO are including a redline version of the draft report with this response so that the OIG can better track our recommended edits for specific sections of the report. Additionally, we are providing narrative comments addressing the report's recommendations below.

**RECOMMENDATION 1:** *Obtain a formal legal opinion from the EPA's Office of General Counsel that articulates the underlying legal basis for the authority of the Protective Service Detail's agents.*

- EPA's Office of General Counsel has provided a formal legal opinion affirming the authority of the PSD to provide protective services to the EPA Administrator. Therefore recommendation 1 should be removed from the draft report and the report should be revised accordingly.

**RECOMMENDATION 2:** *If the Office of General Counsel concludes that Protective Service Detail agents lack statutory authority to provide protective services, determine and initiate the proper action to remedy the issue.*



- EPA's Office of General Counsel has provided a formal legal opinion affirming the authority of the PSD to provide protective services to the EPA Administrator. Therefore recommendation 2 should be removed from the draft report and the report should be revised accordingly.

**RECOMMENDATION 3:** *Have the Office of Criminal Enforcement, Forensics and Training complete and document a threat assessment for the EPA Administrator on a regular basis to identify the proper level of protection required for the Administrator.*

- ***OECA Response: Agree in part; disagree in part.***

The OIG has acknowledged - and OECA agrees - that there is no legal requirement to conduct a threat assessment as a prerequisite to providing protective services. In fact, according to the Government Accountability Office report cited by OIG in the subject report, a majority (three-fourths) of the agencies providing protective services did not develop detailed, written threat assessments justifying their decisions to apply certain levels of protection and expend resources.

OECA understands that the OIG believes conducting threat assessments is a "best practice" and agrees with this view. In fact, OECA currently conducts a threat assessment every 90 days and OCEFT is in the process of developing an SOP for threat assessments (which we anticipate finalizing by September 30, 2018, along with the other SOPs). However, the audit report should be clear that (1) a threat assessment is not a predicate to providing protective services, (2) while OECA believes that a threat assessment can be a useful source of relevant information, the assessment itself cannot dictate the level of protection, (3) a threat assessment investigates known threats but not all attackers make threats, (4) there is no legal requirement to conduct a formal threat assessment, and (5) a threat assessment is scalable and not every assessment applies the systems approach recommended by the OIG. Finally, the level of protection provided to a protectee should be informed by the professional judgment of law enforcement professionals, in consultation with the protectee.

Additionally, when referring to the GAO, Department of Justice and Department of Homeland Security reports concerning threat assessments, the OIG report should clarify that these documents are designed for very different audiences with regards to a terrorist threat assessment versus a threat assessment performed in connection with protective services. The DHS Lexicon refers to homeland security risks and the DOJ report concerns the protection of critical infrastructure from terrorist acts; only GAO discusses threat assessments in the context of protective services.

Importantly, the GAO report did not specify how protective intelligence should be shared among agencies; how best to link threat assessment with the need for protection and level of protection provided; who should provide protection; whether agencies should be provided with specific statutory authority to provide protection; what training should be provided to personnel protecting federal officials, nor who should provide it. Rather, GAO recommended that the Director of the Office of Management and Budget, in consultation with the President, designate an official or group to assess these matters. OECA is not aware of this group being convened by OMB.

OECA is aware that on June 21, 2018, OMB released a government reform plan that recommends consolidating the protective details of certain government official under the U.S.

Marshalls Service. In this recommendation, OMB proposes that: “The number of Deputy U.S. Marshals provided for any approved protection of an official would vary based on the individual’s threat assessment *and risk*.” According to OMB, currently agencies have full autonomy in determining the size and scope of their details’ activities. Under this proposal, “[d]eterminations as to whether protection would be provided and its size and scope would be made by the USMS in consultation with affected agency heads.”

OECA believes that a number of salient points raised in the GAO report should be reflected in the OIG’s final report to more accurately characterize that in fact threat assessments are done differently at different agencies based on many factors, and that EPA’s practices are consistent with other agencies. These would include:

- “Security officials generally said they determined their officials needed protection as a result of possible threats and actual threats received from individuals who were (1) opposed to the policies and issues being handled by their agencies, (2) apparently suffering from mental problems, (3) opposed to the officials personally, and (4) terrorists.”
- “Security officials also said the level of protection provided was determined by a variety of factors, including the sensitivity of issues being handled by the agency, the visibility of the protected officials to the public, travel needs, and the officials’ personal preferences.”
- “Who decided the level of protection to be applied varied from agency to agency. Security officials at six of the 27 agencies indicated that the protected officials decided their overall level of protection on the basis of their personal preferences and sometimes upon the recommendations of their security staffs. At eight agencies, security officials said the level of protection provided was decided jointly by them and the protected officials on the basis of actual and perceived levels of threat against the agencies and the protected officials. With regard to the other 13 agencies that provided protection, including the agencies with security protection as one of their primary missions, security officials said they, and occasionally with input from other staff, decided the level of protection on the basis of protective intelligence.”

In addition, the OIG’s final report should reflect the findings of the 1998 U.S. Secret Service study cited by GAO, including the finding that persons who make threats are often not the persons who actually carry out an attack. Thus, an assessment of known threats does not obviate the need for physical security.

**RECOMMENDATION 4:** *Using a justified level of protection based on a threat assessment, determine appropriate staffing and corresponding schedules for Protective Service Detail agents.*

- ***OECA Response: Disagree.*** OECA understands that the OIG believes conducting threat assessments is a “best practice” and agrees with this view as stated in our response to Recommendation 3. However, the assessment itself cannot solely dictate the level of protection. Recommendations regarding the level of protection are informed by the professional judgment of law enforcement professionals in consultation with the protectee.

**RECOMMENDATION 5:** *Create and implement comprehensive policies, procedures and standard operating procedures covering the Protective Service Detail operations and proper protection level determinations.*

- ***OECA Response: Agree in part.*** OCEFT's policies, procedures and guidance (collectively called "directives") flow from the law enforcement authority conferred by 18 U.S.C. § 3063, and govern Special Agents' conduct as law enforcement officers ranging from the carry and use of firearms, use of force, the execution of warrants, making of arrests, etc. These directives apply to all OCEFT law enforcement officers, including those serving on the PSD.

In addition to OCEFT's directives, the PSD has standard operating procedures specific to protective services, which were developed by former United States Secret Service agents based on their protection experience and provide a level of consistency, effectiveness and efficiency to PSD operations. OCEFT is in the process of updating these SOPs, which we anticipate finalizing by September 30, 2018, and issued interim guidance governing PSD activities until the SOPs are finalized.

**RECOMMENDATION 6:** *Determine the amount of overtime that was improperly authorized for Protective Service Detail agents in calendar years 2016 and 2017 and identify the amounts paid as improper payments.*

- ***OECA Response: Disagree.*** We do not believe that these payments themselves were improper as they were made to the employees for actual work performed.

Office of Management and Budget Circular A-123, Appendix C, Requirements for Effective Measurement and Remediation of Improper Payments; and the Improper Payments Elimination and Recovery Improvement Act of 2012 inform agencies as to what constitutes an "improper payment." Appendix C of the Circular defines an improper payment as any payment that should not have been made or that was made in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirements. Incorrect amounts are overpayments or underpayments that are made to eligible recipients. The payments made to PSD agents were, in fact, payments made for actual overtime worked and as such, these payments were not improper even though the pre-approval requests for overtime may not have been according to best practices.

OECA confirmed with EPA's Office of the Chief Financial Officer that OCFO agrees that the payments made to the PSD agents were not improper. OCEFT acknowledges that for a period of time, the PSD Special Agent in Charge was signing paper pre-approvals for overtime and has since corrected that to ensure even the paper pre-approvals are reviewed and signed by the appropriate OCEFT official.

**RECOMMENDATION 7:** *Report improper payments to Protective Service Detail agents to the Office of the Chief Financial Officer for inclusion in the annual Agency Financial Report.*

- ***OECA Response: Disagree.*** As state above, OECA does not believe PSD time, including overtime, were improper payments. As such, Chapter 4 should be revised to reflect that or struck in its entirety.

**Recommendation 8:** *Revisit the office's decision to terminate the debt collection associated with the Protective Service Detail agent who had received the overpayment.*

- The Office of General Counsel, through the Acting EPA Claims Officer, on June 4, 2018, reopened the waiver decision in which the Protective Services Detail agent's debt for overpayment was terminated. Therefore, recommendation 8 should be removed from the draft report and the report should be revised accordingly.

**Recommendation 9:** *Request a pay audit of the calendar year 2017 wages for the Protective Service Detail agent who had received the overpayment and determine the amount the agent exceeded the 2017 pay cap.*

- **OCFO Response: Agree.** The OCFO's Office of Technology Solutions completed an internal analysis leveraging the IBC DataMart data and provided to the OIG on June 25, 2018. The analysis was of unauthorized payments above the annual statutory pay cap that have been made to other EPA employees in 2016 and 2017. The PSD agent information was included. OCFO requested a pay audit from IBC on June 27, 2018.

Corrective Action Completion Date: September 30, 2018

**OIG Recommendation 10:** *Recover the \$16,299.33 for which the waiver for the Protective Service Detail agent who had received the overpayment was denied and any additional overpayment determined by the pay audit.*

**OCFO Response: Agree.**

The OCFO will collect any and all debts upon completion of the OGC's review and final determination.

Corrective Action Completion Date: September 30, 2018.

**OIG Recommendation 11:** *Design and implement new controls to prevent the reoccurrence of unauthorized payments that will put an employee above the annual statutory pay cap.*

**OCFO Response: Agree.**

The OCFO has worked to strengthen controls related to pay cap lift requests since early 2017.

In 2016, requests for a retroactive pay cap lift were manually processed – retroactively submitted timecards would be printed, signed, and sent to the Department of Interior's IBC Payroll Operations Center for manual time entry by IBC technical staff into the Federal Personnel Payroll System. Timecards also were manually recorded with the code "LB" or "lift biweekly" instructing the payroll provider to lift the pay cap and apply premium pay based on the employee's pay plan and locality to the annual limit. This manual adjustment/override process in PeoplePlus circumvented FPPS controls over biweekly limits which allowed the overpayments in question to occur.

In February 2017, the OCFO fixed a defect in PPL which allowed manual timecards submitted for retroactive pay cap lifts to be sent to the payroll provider. The defect fix eliminated this manual

override; the PPL system functionality now only permits electronic updates of timecards to be sent to IBC, thus permitting the system to perform an automated validation to ensure biweekly pay is processed as intended.

In September 2017, the OCFO introduced the Pay Cap Lift SharePoint site which is a tool that created a more effective way for the OCFO to receive pay cap lift requests. The process requires the Shared Service Center to enter and upload all pay cap lift request information and supporting documentation into one central location. The site automatically creates an EPA help desk ticket notifying the OCFO that a pay cap lift request for an employee has been submitted. The OCFO confirms the information supporting the request. If the request is not supported and/or there is missing information, the OCFO works with the Shared Service Center and/or the employee until issues are resolved; requests that are not supported are not processed. If the information for the request is in order, the action is processed using the PPL which includes the employee's information and pay cap start and end dates. This information is electronically transmitted to the IBC and informs the payroll provider that it is "okay" to calculate overtime pay on the hours and dates submitted. The IBC internally calculates the biweekly pay amount for that time period, checking that the employee pay amount is not over the annual limit. The site provides a central location for submitting, supporting, tracking and processing of an employee's pay cap lift request.

At an IBC meeting earlier this month, the group voted on an FPPS system change which will check that "any biweekly pay cap lift request is edited against the proper year". This is an IBC internal control that will ensure that pay cap lift requests received from the agency are reviewed against the year worked. The implementation date is yet to be determined.

Finally, the Office of Administration and Resources Management's Office of Human Resources provides to the agency the pay cap request process guidance and controls in the following documents 1) Pay Administration Manual, Chapter 15-Policy on Limitation of Pay, October 1991, which provides pay cap waiver guidance and Delegation of Authority; 2) Pay Administration Manual, Appendix 3-Authorization for an Exception to the Biweekly Maximum Earnings Limitation, October 1991, which provides authorization by the designated Delegated Authority and the Human Resources Officer; and 3) Biweekly Pay Cap Waiver Standard Operating Procedures, June 2015, which provides procedures for processing waivers to the Biweekly Maximum Earning Limitation for employees working overtime in emergencies involving direct threats to life or property and/or natural disaster.

The combination of system improvements made to PPL, the implementation of the SharePoint site, and the IBC FPPS improvement, coupled with the OARM's OHR guidance on premium pay and premium pay requests will further strengthen the pay cap lift request process and ensure the process performs as needed to avoid exceeding biweekly or annual pay caps inappropriately.

By September 2018, in conjunction with the review of sensitive payments, the OCFO will conduct a statutory pay cap internal control review. This review, in accordance with OMB A-123, Appendix A, will validate existing controls are in place to mitigate agency employees exceeding the biweekly pay cap. In the event a pay cap lift is necessary, this review will verify proper waiver documentation is in place.

Corrective Action Completion Date: September 30, 2019

**OIG Recommendation 12:** *Determine whether similar unauthorized payments above the annual statutory pay cap have been made to other EPA employees in 2016 and 2017, and recover any overpayments as appropriate.*

- **OCFO Response:** Agree.

OCFO-OTS provided an analysis of unauthorized payments above the annual statutory pay cap that have been made to other EPA employees in 2016 and 2017 to the OIG.

Corrective Action Completion Date: June 25, 2018

**CONTACT INFORMATION**

If you have any questions regarding this response, please contact Gwendolyn Spriggs, OECA's Audit Follow Up Coordinator on (202) 564-2439, or via email [spriggs.gwendolyn@epa.gov](mailto:spriggs.gwendolyn@epa.gov); Benita Deane, OCFO's Audit Follow Up Coordinator on (202)- 564-2079, or via email [deane.benita@epa.gov](mailto:deane.benita@epa.gov); Mahri Monson, OGC's Follow Up Coordinator on (202) 564-2657, or via email [monson.mahri@epa.gov](mailto:monson.mahri@epa.gov).

cc: Larry Starfield  
Patrick Traylor  
Gwendolyn Spriggs  
Henry Barne  
Pam Mazakas  
Jessica Taylor  
Carolyn Dick Mayes  
David Bloom  
Howard Osborne  
Jeanne Conklin  
Quentin Jones  
Meshell Jones-Peeler  
Malena Brookshire  
Kevin Minoli  
Mahri Monson  
Benita Deane

Attachments



# **Ex. 5 - Deliberative Process**



# **Ex. 5 - Deliberative Process**

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Washington, D.C. 20460

JUN 29 2018

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

**SUBJECT:** Legal Opinion Regarding Protective Service Detail

**FROM:** Wendy L. Blake, Associate General Counsel *WLB*  
General Law Office  
Office of General Counsel

**THRU:** Kevin S. Minoli, Principal Deputy General Counsel  
Office of General Counsel

*K SQ.*

**THRU:** Matthew Z. Leopold, General Counsel  
Office of General Counsel

*MZL*

**TO:** Henry E. Barnet, Director  
Office of Criminal Enforcement, Forensics & Training

The Office of General Counsel has been asked to opine on (1) the source of the Agency's legal authority to provide protective services for the Administrator, and (2) the basis of the protective service agents' authority to carry firearms, execute warrants, and make arrests, otherwise known as "law enforcement authority," while in the performance of their protective services duties. The Agency has authority to expend appropriated funds to provide protective services for the Administrator under 5 U.S.C. § 301. Further, the protective service agents derive law enforcement authority under 18 U.S.C. § 3063 provided they have responsibility for investigating environmental crimes. Together, these statutes authorize the Agency to provide a protective service detail to the Administrator comprised of protective service agents with full law enforcement authority to carry firearms, execute warrants, and make arrests.

### **Background**

The U.S. Environmental Protection Agency employs a Protective Service Detail (“PSD”) staffed by agents responsible for providing personal protective services to the Agency’s Administrator.<sup>1</sup> The PSD is a separate component of the Criminal Investigation Division (“CID”) in the Office of Criminal Enforcement, Forensics, and Training (“OCEFT”), Office of Enforcement and Compliance Assurance. Across the federal government, federal law enforcement personnel such as PSD agents must possess authority to exercise law enforcement functions including carrying firearms, executing warrants, and making arrests. For instance, the criminal investigators in CID who conduct investigations of environmental crimes, derive their law enforcement authority from 18 U.S.C. § 3063, “Powers of the Environmental Protection Agency,” which states, in part:

Upon designation by the Administrator of the Environmental Protection Agency, any law enforcement officer of the Environmental Protection Agency with responsibility for the investigation of criminal violations of a law administered by the Environmental Protection Agency, may—

- (1) carry firearms;
- (2) execute and serve any warrant or other processes issued under the authority of the United States; and
- (3) make arrests without warrant for-
  - (A) any offense against the United States committed in such officer’s presence; or
  - (B) any felony offense against the United States if such officer has probable cause to believe that the person to be arrested has committed or is committing that felony offense.

This statute provides full law enforcement authority to carry firearms, execute warrants, and make arrests. This authority is broad, allowing CID criminal investigators to carry firearms and make arrests without warrants for offenses against the United States committed in their presence (or if

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<sup>1</sup> Currently all PSD agents are classified as Criminal Investigators, GS-1811.

they have probable cause to believe that someone has committed or is committing a felony), even at times when they are not actively investigating environmental crimes.

We understand from OCEFT that when CID criminal investigators assigned to the PSD first undertook the performance of protective services in the wake of the September 11, 2001 terrorist attacks, they possessed law enforcement authority related to their criminal investigative work conferred by 18 U.S.C. § 3063. Nearly a decade later, the PSD began to employ law enforcement officers hired from outside the Agency who were not envisioned to have “responsibility for the investigation of criminal violations” of environmental laws — the prerequisite for § 3063 authority. OCEFT consulted with the Office of General Counsel (“OGC”) about this issue, and in 2010 obtained law enforcement authority for PSD agents through deputation by the U.S. Marshals Service. These deputations granted PSD agents law enforcement authority for a set period of time (as specified in the deputations). In the fall of 2016, OCEFT again consulted with OGC regarding transitioning PSD agents’ law enforcement authority back to 18 U.S.C. § 3063. OGC concurred with OCEFT’s view that PSD agents with actual “responsibility for the investigation of criminal violations” may appropriately rely on § 3063 for law enforcement authority.

### **Analysis**

#### **A. The Agency Has Authority to Expend Appropriated Funds on Protective Services**

It is well established that the Agency has the authority to expend resources for the personal protection of the Administrator. Such authority is derived from 5 U.S.C § 301, commonly referred to as a “housekeeping statute.” Section 301 authorizes an agency head to “prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and

property.” 5 U.S.C. § 301. The Comptroller General of the United States, who also heads the U.S. Government Accountability Office (“GAO”), has interpreted this general grant of administrative authority as permitting federal agencies to expend appropriated funds to assign employees to provide protective services, and has advised that under § 301, an agency may authorize the use of its appropriated funds, personnel, and assets to protect agency officials.<sup>2</sup> The Comptroller General further advised that this authority extends to agencies without specific statutory authority for protective services. In a decision analyzing the authority of the U.S. Department of the Treasury to provide a protective service detail to the Secretary of the Treasury, the Comptroller General opined,

...if a Government official were threatened or there were other indications that he was in danger, and if it were administratively determined that the risk were such as to impair his ability to carry out his duties, and hence to affect adversely the efficient functioning of the agency, then funds of his agency, the use of which was not otherwise restricted, might be available to protect him, without specific statutory authority.

*In re the Secret Serv. Prot. for the Sec’y of the Treasury*, 54 Comp. Gen. 624, 628-29, (Jan. 28, 1975).<sup>3</sup> The Comptroller General’s conclusion rests on the view that the deployment of security personnel is “an executive function essential to the management of a department and the performance of its business.” *Id.* at 628-29.

Additionally, in *In re the Secret Serv. Prot. for the Sec’y of the Treasury*, the Comptroller General stated that the GAO “would generally not object” to an agency providing protection

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<sup>2</sup> See, e.g., *In re the Secret Serv. Prot. for the Sec’y of the Treasury*, 54 Comp. Gen. 624, 628-29, (Jan. 28, 1975), *as modified*, 55 Comp. Gen. 578, B-149372 (Dec. 18, 1975); *Matter of Home & Auto. Sec. Sys. for U.S. Customs Serv. Pers.*, B-251710 (July 7, 1993).

<sup>3</sup> See also U.S. Gov’t Accountability Office, GAO/GGD/OSI-00-139, “Security Protection. Standardization Issues Regarding Protection of Executive Branch Officials,” B-283892, at 12 (July, 2000) (noting that agencies may provide protection to their officials “if it is administratively determined that the efficiency of the agencies would be affected because of threats or other legitimate concerns over the safety of officials that would impair their abilities to carry out their duties”).

services to its officials “where there is legitimate concern over the safety of an official and where the agency’s functioning may be impaired by the danger to that official - to an agency.” *Id.* at 629. On this basis, the GAO further opined that the “Secretary [of the Treasury] - in a proper case - may arrange for his protection by personnel of the Department of the Treasury or by the Secret Service, but in the latter case only on a reimbursable basis” even when the Secretary was not one of the officials the Secret Service was specifically authorized to protect under 18 U.S.C. § 3056. *Id.* at 630.<sup>4</sup>

Many federal agencies, like EPA, that lack specific statutory authority to provide protective services rely on the Comptroller General’s interpretation of 5 U.S.C. § 301 to justify the expenditure of appropriated funds on protective services.<sup>5</sup> As the GAO noted in a report analyzing protection of executive branch officials across different federal agencies, “[f]rom fiscal years 1997 through 1999, ... security protection was provided to officials holding 42 executive branch positions at 31 executive branch agencies.” *Id.* at 2. The GAO catalogued security services provided to 14 Cabinet secretaries, four deputy or undersecretaries, and 24 other high-ranking officials. *Id.* at 7. Of these, “[o]nly two executive branch agencies ... —the Secret Service and the State Department—had specific statutory authority to protect executive branch officials, including the authority to carry firearms in carrying out their protective responsibilities.” *Id.* at 11. The report goes on to explain that “[a]lthough none of the other agencies cited specific statutory authority to

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<sup>4</sup> The Comptroller General’s reasoning has appeared in other cases reviewing the protective services of other federal agencies. *See e.g.*, U.S. Gov’t Accountability Off., GA0-04-261SP, Principles of Federal Appropriations Law (3d ed. 2004) (citing favorably to 54 Comp. Gen. 624 and *Matter of Home & Auto. Sec. Sys. for U.S. Customs Serv. Pers.*, B-251710 (July 7, 1993), in which the Comptroller General determined that the U.S. Customs Service may provide security devices for agents based on the risk created by their law enforcement responsibilities, the threat environment, and past threats against Customs personnel).

<sup>5</sup> *See* GAO Report, Security Protection, Standardization Issues Regarding Protection of Executive Branch Officials, B-283892 (2000).



protect their officials, that does not mean that the agencies are not authorized to provide such services.” *Id.* The GAO cited to its prior opinions in the report, explaining:

In decisions of the Comptroller General, we have recognized that under certain circumstances, agencies can expend appropriated funds to protect their officials as a necessary expense. Such protection is warranted if it is administratively determined that the efficiency of the agencies would be affected because of threats or other legitimate concerns over the safety of officials that would impair their abilities to carry out their duties.

*Id.* at 11-12.

Accordingly, pursuant to 5 U.S.C. § 301 and the above noted Comptroller General decisions interpreting 5 U.S.C. § 301, the Agency has the authority to expend appropriated funds on the protection of the Administrator. We next turn to the issue of how agents that perform protective services for the Administrator derive their law enforcement authority to carry firearms, execute warrants, and make arrests.

#### B. PSD Agents Have Law Enforcement Authority Under 18 U.S.C. § 3063

In order for PSD agents to carry firearms, execute warrants, or make arrests in the performance of their protective duties, they must have law enforcement authority. There is no statutory provision that provides EPA with law enforcement authority specifically for law enforcement officers who solely provide protective services. As stated above, however, 18 U.S.C. § 3063 does provide law enforcement authority for EPA law enforcement officers “with responsibility for the investigation of” environmental crimes. Section 3063 specifically provides:

any law enforcement officer of the Environmental Protection Agency with responsibility for the investigation of criminal violations of a law administered by the Environmental Protection Agency, may—

- (1) carry firearms;
- (2) execute and serve any warrant...; and
- (3) make arrests...”.

Therefore, whether an agent can have law enforcement authority rests on whether he or she has been designated with “responsibility” for the investigation of environmental crimes. The most

important rule of statutory construction is to begin with the language of the statute.<sup>6</sup> As the Supreme Court has stated, “we begin with the understanding that Congress ‘says in a statute what it means and means in a statute what it says there.’”<sup>7</sup> “When the statute’s language is plain, the sole function of the courts—at least where the disposition required by the text is not absurd—is to enforce it according to its terms. [internal quotations omitted].”<sup>8</sup> To determine the meaning of a statute’s text, judges evaluate the “natural reading”<sup>9</sup> or “ordinary understanding”<sup>10</sup> of disputed words. Courts often refer to dictionaries to find this ordinary meaning.<sup>11</sup>

Here, the statute is clear. “[A]ny law enforcement officer ... with responsibility for investigat[ing]” environmental crimes has law enforcement authority under 18 U.S.C. § 3063. The statute is neither ambiguous nor otherwise unclear in its meaning. When considering the ordinary meaning of the text of the statute, “with responsibility” can be reasonably interpreted to mean that PSD agents are to be available to be called on and do perform environmental criminal investigatory work.<sup>12</sup>

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<sup>6</sup> See, e.g., *Hartford Underwriters Ins. Co. v. Union Planters Bank, N.A.*, 530 U.S. 1 (2000); see also *Robinson v. Shell Oil Co.*, 519 U.S. 337 (1997); *Conn. Nat’l Bank v. Germain*, 503 U.S. 249 (1992); *Mallard v. U.S.D.C. So. Dist. of Iowa*, 490 U.S. 296, 300 (1989).

<sup>7</sup> *Hartford Underwriters Ins. Co.*, 530 U.S. at 6 (quoting *Conn. Nat’l Bank v. Germain*, 503 U.S. at 254).

<sup>8</sup> *Id.* (citing *United States v. Ron Pair Enters., Inc.*, 489 U.S. 235, 241 (1989) (quoting *Caminetti v. United States*, 242 U.S. 470, 485 (1917))); see also *Zuni Pub. Sch. Dist. No. 89 v. Dep’t of Educ.*, 550 U.S. 81, 93 (2007) (“[N]ormally neither the legislative history nor the reasonableness of the Secretary’s method would be determinative if the plain language of the statute unambiguously indicated that Congress sought to foreclose the Secretary’s interpretation.”).

<sup>9</sup> *Am. Hosp. Ass’n v. NLRB*, 499 U.S. 606, 611 (1991).

<sup>10</sup> *Babbitt v. Sweet Home Chapter of Cmty. for a Great Or.*, 515 U.S. 687, 697 (1995). See also *Astrue v. Capato*, 132 S. Ct. 2021, 2030, 2130 (2012).

<sup>11</sup> E.g., *MCI Telecomms. Corp. v. AT&T Co.*, 512 U.S. 218, 227-29 (1994).

<sup>12</sup> In the Merriam-Webster dictionary, “responsibility” is defined as:

- 1: the quality or state of being responsible: such as
  - a: moral, legal, or mental accountability
  - b: reliability, trustworthiness
- 2: something for which one is responsible; burden

responsibility, MERRIAM-WEBSTER ONLINE DICTIONARY, <https://www.merriam-webster.com/dictionary/responsibility>.

We understand from OCEFT that all PSD agents' position descriptions include criminal investigatory responsibilities. Further, according to OCEFT, PSD agents presently perform environmental criminal investigatory work in addition to their protective service duties. Their criminal investigatory work includes activities such as executing warrants; serving subpoenas; conducting witness interviews; analyzing documents relevant to environmental criminal investigations; and evaluating incoming tips on potential criminal environmental violations. In light of the plain language of the statute, PSD agents derive law enforcement authority under 18 U.S.C. § 3063 provided they have responsibility for performing environmental criminal investigative work.<sup>13</sup>

A PSD agent's supervisor is in the best position to determine the actual responsibilities of his or her employees. To aid a supervisor in documenting the conclusion that an employee has responsibility for the investigation of environmental crimes, we recommend OCEFT develop a system that documents and tracks the following: the percentage of time each employee is expected to spend on investigating environmental crimes each year; the nature of environmental criminal investigatory activities actually conducted each year; and the percentage of time actually spent on such activities each year. We also recommend that OCEFT continue to ensure that all agents investigating environmental crimes include those responsibilities as part of their position

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The word "responsible," in turn, is defined as, as applicable here:

1a: liable to be called on to answer

1b(1): liable to be called to account as the primary cause, motive, or agent a committee responsible for the job

1b(2): being the cause or explanation mechanical defects were responsible for the accident

1c: liable to legal review or in case of fault to penalties ...

*responsible*, MERRIAM-WEBSTER ONLINE DICTIONARY, <https://www.merriam-webster.com/dictionary/responsible>.

<sup>13</sup> Where PSD agents have responsibility for the investigation of environmental crimes, they may carry firearms, make arrests, and execute warrants even at times when they are not carrying out criminal investigatory duties, such as when they provide protective services for the Administrator.

descriptions. There is no black letter law definition or answer as to what percentage of time or activities conducted are sufficient to conclude that an employee has “responsibility for” the investigation of environmental crimes. Ultimately, the extent to which an employee has responsibility for the investigation of environmental crimes is a judgment made by the employee’s supervisor.

### **Conclusion**

In summary, the Agency’s authority to expend appropriated funds to provide protective services for the Administrator is derived from 5 U.S.C. § 301. Furthermore, PSD agents derive law enforcement authority from 18 U.S.C. § 3063 provided they have responsibility for performing environmental criminal investigative work. We recommend that OCEFT develop a system that documents and tracks the information identified above to aid the supervisor in documenting the conclusion that an employee has responsibility for the investigation of environmental crimes.

Message

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**From:** Hassell, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24C1350E0DF84A3CA1F5852C0FEB971B-HASSELL, EM]  
**Sent:** 6/6/2018 8:09:25 PM  
**To:** AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]  
**Subject:** News Clips - 6 June 2018

*(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)*

**E15**

[Reuters - Farmer pressure forces Trump biofuel policy suspension; credit prices jump](#)

[The Hill - Trump scuttles ethanol policy deal, senators say](#)

**Administrator Pruitt Coverage**

[The Hill - Trump offers public praise to Pruitt](#)

[Washington Examiner - Democratic rider aimed at Scott Pruitt gets shot down by GOP](#)

[The Atlantic - Top Aide to EPA Administrator Scott Pruitt Resigns](#)

[Politico - How Does Scott Pruitt Survive?](#)

[AP - Emails: Pruitt told staffer to handle another personal chore](#)

[New York Times - Grifters Gonna Grift \(\\*Editorial\)](#)

[E&E Greenwire - Emails show stressed staffers ghostwriting op-ed for Pruitt](#)

**General**

[Politico - EPA did not violate law with tweet aimed at Democrats, watchdog finds](#)

[Washington Post - EPA did not violate Hatch Act in tweet criticizing Democrats, federal watchdog finds](#)

[The Conversation - EPA staff say the Trump administration is changing their mission from protecting human health and the environment to protecting industry](#)

[Bloomberg - EPA Plan for Transparency in Science Alarms Industry, Too](#)

[The Hill - EPA accuses 'Fixer Upper' stars of violating lead paint rules](#)

[Washington Examiner - EPA discovers company violated lead paint rule by watching TV home repair show](#)

[Politico - White House finishes review of EPA cost-benefit effort](#)

BNA - Shell to Pay EPA for Air, Water, Waste Violations in California

BNA - Maryland, Delaware Riled Over EPA Air Complaints Snub

AP - Idaho to take over regulating water pollution from EPA

AP - Consent decree to cost Mississippi city more than \$120M

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### **Reuters**

<https://www.reuters.com/article/us-usa-biofuels/farmer-pressure-forces-trump-biofuel-policy-suspension-u-s-prices-spike-idUSKCN1J21XU>

#### **Farmer pressure forces Trump biofuel policy suspension; credit prices jump**

By Jarrett Renshaw and Chris Prentice, 6/6/18, 10:50 PM

(Reuters) - Under pressure from U.S. lawmakers in farming states, President Donald Trump has abandoned an overhaul of biofuels policy aimed at reducing costs for the oil industry, sending U.S. renewable fuel credit prices soaring more than 40 percent on Wednesday.

The White House had been poised to announce proposed changes to the U.S. Renewable Fuel Standard (RFS) this week after hosting months of difficult negotiations between representatives of Big Oil and Big Corn, but delayed the announcement indefinitely, two sources familiar with the matter said late on Tuesday.

Trump abandoned the efforts on Tuesday after learning that farmers in the important Midwestern constituency were uneasy with part of the proposal, one of the sources said. This was confirmed to Reuters by another source on Wednesday.

Pressure to reform the program eased in recent weeks as the U.S. Environmental Protection Agency took steps that resulted in significantly lower compliance costs for merchant refiners.

The White House and the EPA did not immediately respond to requests on Wednesday for comment on the policy suspension.

Ethanol groups Growth Energy and the Renewable Fuels Association praised the move.

Renewable fuel credit prices traded as high as 29 cents early Wednesday on the news, up from 20 cents Tuesday afternoon, traders said. Prices eased back to 26 cents mid-morning.

The RFS requires oil refiners to mix increasing volumes of biofuels like ethanol into fuel each year, and prove compliance by earning or acquiring the credits and handing them in to the Environmental Protection Agency.

The law has helped corn farmers in the Midwest by creating a 15-billion-gallon-a-year market for ethanol, but refining companies have complained that compliance costs are too high and threaten the type of blue-collar jobs Trump has promised to preserve.

The White House deal would have eased pressure on the refining industry by allowing biofuels exports to count toward the annual volumes quotas. It would also have expanded sales of high-ethanol gasoline, in a concession to biofuels producers.

Republican Senators Chuck Grassley and Joni Ernst of corn state Iowa both praised Trump on Twitter on Tuesday evening for dropping the export plan - which they had argued would have cut into domestic demand for ethanol.

But oil companies also have reason to cheer.

Despite Wednesday's spike in renewable fuel credit prices, they are down sharply since late last year after Trump's EPA handed out an unusually high number of waivers exempting small oil refineries from the RFS on the grounds complying would have caused them financial stress.

That decline has saved the oil industry billions of dollars in compliance costs, according to a Reuters analysis.

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### **The Hill**

<http://thehill.com/policy/energy-environment/390949-trump-scuttles-ethanol-policy-deal-senators-say>

#### **Trump scuttles ethanol policy deal, senators say**

By Timothy Cama, 6/6/18, 9:33 AM

President Trump has stopped an expected deal to change how the federal government enforces the federal ethanol mandate.

Iowa GOP Sens. Chuck Grassley and Joni Ernst both tweeted the news late Tuesday, and a source familiar with the matter confirmed it.

The White House was expected this week to unveil a deal that would have, among other measures, counted exported ethanol toward the annual volume mandates under the Renewable Fuel Standard, effectively decreasing the amount of ethanol that must be blended into the nation's gasoline.

Trump "helped farmers by rejecting bad ethanol deal. I appreciate. GREAT NEWS," Grassley tweeted.

Ernst tweeted that Trump "just assured me he "won't sign a deal that's bad for farmers!" Thank you, Mr. President!"

Iowa dominates the country's corn production, the feedstock that produces most of the country's ethanol.

The Trump administration deal would have also removed restrictions on selling gasoline with high ethanol concentrations in the summer, a move supported by ethanol backers.

Grassley and Ernst had spent Tuesday chastising Environmental Protection Agency chief Scott Pruitt — whose agency is responsible for the ethanol mandate — over the expected agreement.

Ernst said at an event that Pruitt "is about as swampy as you get here in Washington, D.C. ... and if the president wants to drain the swamp, he needs to take a look at his own Cabinet."

She was referring specifically to Pruitt spending and ethics scandals, but her main anger at Pruitt was over ethanol.

"This is a case where the president is being ill-served by political appointees that aren't carrying out his agenda," said Grassley.

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## **The Hill**

<http://thehill.com/policy/energy-environment/391036-trump-offers-public-praise-to-pruitt>

### **Trump offers public praise to Pruitt**

By Timothy Cama, 6/6/18, 2:55 PM

President Trump reaffirmed his support for embattled Environmental Protection Agency (EPA) chief Scott Pruitt Wednesday, telling him the agency is “doing really, really well.”

Trump’s praise came during a week when new controversies are cropping up regarding Pruitt’s management of the agency, including that he used his position and an aide to try to get his wife a fast food franchise and that he had another aide do personal tasks such as trying to buy a used Trump International Hotel mattress.

“Thank you Scott, very much. EPA is doing really, really well,” Trump told Pruitt during a signing ceremony for a law meant to reform the Department of Veterans’ Affairs. “Somebody has to say that about you a little bit, you know that, Scott.”

Pruitt’s multiple scandals have spurred more than a dozen federal investigations and led to loud calls by Democrats, environmentalists and a few Republicans for him to step down or for Trump to fire him.

Trump, meanwhile, has shown nothing but praise for Pruitt.

“I think he’s done a fantastic job. I think he’s done an incredible job,” Trump said in April.

“Rent was about market rate, travel expenses OK. Scott is doing a great job!” he tweeted.

The controversies include that Pruitt rented a condo from a lobbyist for just \$50 per night he slept there, spent \$3.5 million on a 24-7 security detail, gave raises to two close aides after the White House rejected his request and other matters.

Pruitt has curried significant favor with Trump, his allies and other conservatives for carrying out an aggressive deregulatory agenda, including efforts to roll back nearly all of the agency’s climate change regulations and major water and air pollution rules.

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## **The Atlantic**

<https://www.theatlantic.com/politics/archive/2018/06/top-aide-to-epa-administrator-scott-pruitt-resigns/561974/>

### **Top Aide to EPA Administrator Scott Pruitt Resigns**

By Elaina Plott, 6/6/18, 2:50 PM

A top aide for Scott Pruitt, Millan Hupp, resigned from the Environmental Protection Agency, according to a source briefed on the matter and documents reviews by The Atlantic. Her last day will be Friday.

Hupp, who worked as director of scheduling and advance, has been entangled in many of the scandals dogging EPA Administrator Pruitt. In March, she was one of two aides who received hefty salary bumps, even after the White House refused Pruitt’s request for the raises. And as The Washington Post reported on Monday, she recently testified to the House Oversight Committee that she regularly spent her days doing personal tasks for Pruitt, from hunting for housing to calling the Trump Hotel in DC to inquire about purchasing a used mattress.



According to one top EPA official, the 26-year-old was “tired of being thrown under the bus by Pruitt,” and weary of seeing her name constantly appear in headlines about the agency. Officials began drafting her resignation paperwork on Monday morning, just after portions of her congressional testimony were made public.

Hupp’s testimony contributed to the long list of scandals and improprieties plaguing the agency—including, most notably, that Pruitt rented a Capitol Hill condo from an energy lobbyist for just \$50 a month, and spent more than \$40,000 on a soundproof booth in his office on the taxpayer’s dime. For months now, according to multiple White House and EPA sources, officials as senior as Chief of Staff John Kelly have lobbied President Trump to fire Pruitt.

Rumors circulated that Trump was simply waiting for Pruitt’s deputy, Andrew Wheeler, to be confirmed before letting Pruitt go. But that was two months ago. Since then, according to reports, Trump has been increasingly irritated by the barrage of stories that reflect poorly on his administration, including The Atlantic’s reporting on a Pruitt aide who tried shopping negative stories about Interior secretary Ryan Zinke to other news outlets. Yet the EPA administrator appears to remain in good standing.

Pruitt has lost a valuable ally in Hupp, however. Hupp was part of a small cadre of aides who worked for Pruitt in Oklahoma before joining him in Washington. She served on Pruitt’s political team during his time as the state’s Attorney General. Her closeness with Pruitt was often a point of contention among officials, with many staffers grumbling that Hupp and others in the “Oklahoma posse,” as they were dubbed, received special treatment, as the raises in March seemed to imply.

EPA spokesperson Jahan Wilcox, reached by phone, would not comment. He said: “You have a great day, you’re a piece of trash.”

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### **Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/democratic-rider-aimed-at-scott-pruitt-gets-shot-down-by-gop>

### **Democratic rider aimed at Scott Pruitt gets shot down by GOP**

By John Siciliano, 6/6/18, 2:13 PM

House Republican appropriators narrowly shot down a Democratic amendment to hold Environmental Protection Agency Administrator Scott Pruitt accountable for his travel expenses.

Rep. Mike Quigley, D-Ill., offered the amendment on Wednesday during an Appropriations Committee mark-up of the Interior, Environment, and Related Agencies Appropriations Bill for fiscal 2019.

The rider had broad support by Democrats on the committee, but the GOP called the amendment politically motivated and came together to vote it down. The amendment was struck down 26-21 in a party-line vote.

The introduction of the Quigley rider marks one of the first times an amendment has been brought up to address Pruitt’s multiple travel expenses and use of EPA security for his own private excursions and vacations.

The rider “simply requires transparency,” said Betty McCollum of Minnesota, the top Democrat on the Interior, Environment, and Related Agencies Subcommittee. “This is not unique, new, or political in any way,” she said.

The amendment would require EPA to create a travel log for the administrator, which must be made known within 10 days after the head of the EPA travels anywhere.

Rep. Ken Calvert of California, the Republican chairman of the subcommittee, called it a “politically motivated amendment.” He explained that such requirements would pose undue restrictions on Pruitt that no other Cabinet-level official has had to endure.

McCollum listed the numerous trips that Pruitt has taken that are now under investigation by congressional committee or the agency's own inspector general.

She cited Pruitt's trip to Morocco last year that was planned by a lobbyist, the use of EPA security for his own personal trips to basketball games and Disney Land, and a visit to the Vatican where he dined with a cardinal facing sex abuse charges and later attempted to hide the meeting.

On Tuesday, the Washington Post reported that Pruitt used his executive aide to arrange a talk with the president of fast-food chain Chick-fil-A to discuss a franchise deal for his wife. A former federal ethics official under the Obama administration told the newspaper that the use of a government-paid employee in an activity aimed at self enrichment would be a violation of federal ethics laws.

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## **Politico**

<https://www.politico.com/magazine/story/2018/06/05/how-does-scott-pruitt-survive-218596>

### **How Does Scott Pruitt Survive?**

By Jack Shafer, 6/5/18

Environmental Protection Agency Administrator Scott Pruitt wants whatever is on offer—only he wants more of it, and he wants it giant-sized, preferably swathed in leather and shimmering like precious metal.

Since taking office as President Donald Trump's first and so far only EPA chief, Pruitt has distinguished himself on two fronts: Obviously, he's labored to annul many of the agency's existing regulations. But even more obviously, he has swept giant snowdrifts of unflattering news about his grasping behavior into the press.

Day after day, month after month, Pruitt feeds the maw of the bad publicity machine with his overreach and overexposure. In ordinary times, his outrages would have earned him a dismissal and he would have joined the scores of high-level Trump functionaries who've been fired or forced to resign. Yet he endures. Just a month ago, he went to Capitol Hill for interrogation and took more punches than Jake LaMotta did in his bloody 1951 fight against Sugar Ray Robinson, but he did not fall.

Not that Pruitt doesn't make a superb punching bag. He's taken deserved ridicule for deciding that the basic Chevrolet Tahoe that conveyed the previous EPA administrator wasn't sufficient and needed replacement with the larger and fancier Chevrolet Suburban. And not just the LT model but the higher-end LS model, plus bulletproof vests for its leather seats. So enthroned, Pruitt reportedly "urged" his security detail to run the permanent blockade that is Washington traffic by activating the vehicle's lights and sirens so as to hustle him to the airport, meetings and his D.C. social engagements (including a trip to Le Diplomate, the fashionable French restaurant that he favors).

Pruitt's vehicular choices seemed modest when we learned of his tastes in air flight and travel. During his first year, he flew first class regularly, shanghaied expensive military aircraft for flights and even took chartered crafts. By one count, he spent \$168,000 on air travel in one year. Where the average EPA administrator spent \$1.9 million a year on security over the past eight years, he spent \$3.5 million protecting himself from imaginary death threats. EPA security details accompanied him on a family vacation to Disneyland and the Rose Bowl game. According to the Washington Post, he composed a list of a dozen countries he hoped to visit and "urged aides to help him find official reasons to travel." He got his passport stamped in Italy and Morocco, and drew up itineraries for Australia, Israel, Saudi Arabia, Colombia, Panama, Poland, India and Canada — you know, all those places where the EPA has no authority.

When Tom Price got caught using his position as secretary of Health and Human Services to run up frequent flyer miles in private planes at government expense, Trump forced him to resign in the name of draining the swamp. And yet Pruitt endures.

In need of writing supplies, did Pruitt order Pilot pens and legal pads? Nah, he contracted for fancy stationery, leather-bound notebooks, and a dozen customized silver fountain pens—emblazoned with the EPA seal—from the high-end Washington shop Tiny Jewel Box. The total price was \$3,230.

Ensnared at the EPA, he had the place swept for electronic bugs and purchased biometric locks; installed a \$43,000 soundproof phone booth; and spent twice what was authorized to redecorate his office (dropping about \$9,600). Meanwhile, he bunked at the bargain price of \$50 each night in a room at the home of the wife of an energy industry lobbyist. The New York Times reports that the lobbyist's project was approved by the EPA. As I write, the Washington Post reports that last year he assigned an aide to help his wife, Marlyn Pruitt, secure a Chick-fil-A franchise as a "potential business opportunity." Oh, and he recently got caught dispatching an aide during his apartment search to buy a used mattress from the Trump International Hotel in Washington. And don't forget his flirtation with a Hatch Act violation.

Hit me again, Pruitt all but dares his critics, who include all the good-government types as well as the Natural Resources Defense Council and the Sierra Club—the environmental protection industrial complex—that have been pantsing the administrator with findings from their FOIA requests. Taking him up on his dare Tuesday was Sen. Joni Ernst (R-Iowa), who called him "about as swampy as you get." Sen. Chuck Grassley (R-Iowa) concurred, saying Pruitt "has betrayed the president." (Don't get too excited, Democrats: They are mad about ethanol.) Even White House staffers have piled on, imploring the president to dismiss his EPA chief.

How does Pruitt continue to defy the Washington furies, where lesser mortals fail every day? He's not so much scandal-resistant as he is scandal-impervious. Pruitt's policies have made corporate America (including the Koch brothers) his ally, and according to the HuffPost, he's wowzers with the evangelicals, too. Trump must figure that this kind of allyship will accrue to his political advantage—if not today, then soon.

But Pruitt perseveres mostly because the president admires his swagger. Trump is the sort of coach who loves having a player like Pruitt, who will give the bird to the other side with one middle finger and gouge them in the eye with the other. Although many of Pruitt's regulatory "victories" are provisional, subject to rollback by the courts, he has assumed the posture of a winner, and Trump likes that, too. (In a constitutional monarchy like ours, keeping the king happy is important.) Like Trump, Pruitt remains defiant in the face of his loud critics, an attitude the president likes as long as it isn't directed at him. Tuesday, a reporter called attention to the Ernst-Grassley dissatisfaction with a question to White House press secretary Sarah Huckabee Sanders, asking, "How is it in the face of all that we've learned, how is it that President Trump continues to have confidence in the EPA administrator?" As always, Sanders deflected, saying she hadn't had a chance to discuss the report with the president, adding, "We continue to have concerns and look into those and we'll address them," which was Sanders-ese for "buzz off."

The best reason Scott Pruitt might continue to survive his scandals for months and months, though, is that his removal would change nothing. His deputy, Andrew R. Wheeler, confirmed in April, would likely be called in from the bullpen and merely continue to pitch the same regulatory game Pruitt is pitching, a likelihood the NRDC predicts. The law of averages says Wheeler couldn't possibly be as loud and vulgar in his grasping as Pruitt. The second best reason—and my favorite—is that the enviros would be crazy to depose Pruitt at the precise moment he has become their creamy, wide and deep publicity gravy train. In Pruitt, the environment industrial complex and the president have found the perfect unity candidate.

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**AP**

<https://apnews.com/e618152ac0094704a509abaec3f00ad7/Emails:-Pruitt-told-staffer-to-handle-another-personal-chore>

**Emails: Pruitt told staffer to handle another personal chore**

By Ellen Knickmeyer, 6/6/18

WASHINGTON (AP) — Environmental Protection Agency chief Scott Pruitt had an agency staffer reach out to Chick-fil-A on government email about a “potential business opportunity,” emails show. The opportunity, according to one former EPA senior staff member, was exploring the possibility of a Chick-fil-A franchise for Pruitt’s wife.

It was the second disclosure in as many days of Pruitt asking agency staff to do personal tasks for him. Democratic lawmakers released a transcript Monday of an interview with a top Pruitt aide who said the EPA chief asked her to reach out to the Trump International Hotel about buying a used mattress.

Federal ethics rules bar government employees from using their positions for private gain and prohibit supervisors from directing their subordinates to carry out personal errands.

EPA mails obtained by the Sierra Club under the Freedom of Information Act show Sydney Hupp, then Pruitt’s scheduler, reaching out to Chick-fil-A executive Dan Cathy on May 18, 2017, for a meeting, at Pruitt’s request, she wrote in the email.

“The administrator didn’t mention a specific topic but I will touch base with him to see if there is one,” Hupp said in one email.

She followed up the next day. “The administrator would like to talk about a potential business opportunity.”

Former EPA deputy chief of staff Kevin Chmielewski said in an interview Tuesday that Millan Hupp, also a top aide to Pruitt, told him that the administrator was inquiring about the possibility of his wife acquiring a franchise with the chain.

He said Pruitt, Millan Hupp and “the Oklahoma people” were doing what they could to find a job for Marlyn Pruitt in the Washington area.

Pruitt and his aides also put out feelers among government and private contacts about interior decorator work for Pruitt’s wife, according to Chmielewski, who says he was fired from the agency after challenging some of Pruitt’s spending.

Neither the EPA or Chick-fil-A officials returned requests for comment.

Chick-fil-A representative Carrie Kurlander told The Washington Post, which first reported the story, that Pruitt had been interested in his wife becoming a franchise owner.

“Administrator Pruitt’s wife started, but did not complete, the Chick-fil-A franchisee application,” the Post quoted her as saying.

Pruitt’s alleged use of his EPA position to help job-search for his family is improper because he put aides to work, and because “by using his staff he brought in the imprimatur of the agency, he invoked the authority of the agency,” said Virginia Canter, ethics counsel with the Citizens for Responsibility and Ethics in Washington nonprofit. “Under no circumstances is it appropriate to do that.”

Asked about the latest disclosures, White House spokeswoman Sarah Huckabee Sanders said Tuesday, “We continue to have concerns and look into those and we’ll address them.”

Separately Tuesday, the Government Accountability Office said it had agreed to a Democratic senator’s request to examine the legality of a politically tinged tweet from the EPA.

The GAO will conduct a legal review of the April 13 tweet from the EPA’s official Twitter account, spokesman Charles Young said.

The EPA tweet noted the Senate approval of Andrew Wheeler, a former coal lobbyist who also served in the EPA under President George H.W. Bush, as the agency's new second-in-command.

The tweet added, "The Democrats couldn't block the confirmation of environmental policy expert and former EPA staffer."

Democratic Sen. Tom Udall of New Mexico asked for the GAO review, calling the tweet "partisan taunting." Udall contended the dig by the EPA-run Twitter account violated a law barring use of government appropriations for publicity or propaganda.

The review becomes the latest in a succession of federal investigations of Pruitt and his agency by the EPA's inspector general, the GAO, the White House Office of Management and Budget, and Congress.

Questioned by Udall about the EPA tweet in a Senate hearing last month, Pruitt said: "I was unaware of the tweet and that shouldn't have occurred. The agency should not have done that."

Asked for comment Tuesday, the EPA forwarded a May 23 letter by a different federal agency, the U.S. Office of Special Counsel, finding the tweet did not violate a separate law, the Hatch Act, which prohibits federal employees from engaging in political activity on the job.

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### **New York Times**

[https://www.nytimes.com/2018/06/05/opinion/trump-corruption-manafort-pruitt-swamp.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream\\_unit&version=latest&contentPlacement=1&pgtype=collection](https://www.nytimes.com/2018/06/05/opinion/trump-corruption-manafort-pruitt-swamp.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection)

### **Grifters Gonna Grift (\*Editorial)**

By The Editorial Board, 6/5/18

This is shaping up to be another red-letter week for Draining the Swamp.

On Monday, Paul Manafort, President Trump's former campaign chairman, splashed back into the news when members of the special counsel Robert Mueller's team accused him in court papers of witness tampering. Swamp-watchers will recall that Mr. Manafort is facing a smorgasbord of charges related to tax, lobbying and money-laundering violations. Prosecutors now say that he has been using his free time while awaiting trial to try to contact some former European business associates in order to coach them into lying about his work on behalf of pro-Russia political interests in Ukraine. Mr. Manafort's secret lobbying scheme is alleged to have been impressively elaborate — as, also, efforts to cover it up. But the straightforward phrase that leaps out from this latest court filing comes from a witness telling the F.B.I. that Mr. Manafort had tried to "suborn perjury." Such an effort would qualify as a definite legal no-no.

Meanwhile, Scott Pruitt, head of the Environmental Protection Agency, has once again burnished his reputation as the Trump administration's biggest grifter. On Monday, Democrats on the House Oversight and Government Reform Committee asked the committee's chairman, Representative Trey Gowdy, to subpoena the E.P.A. for documents relating to Mr. Pruitt's "multiple abuses of authority in using agency staff for his own personal purposes."

Specifically, Democrats want to know more about Mr. Pruitt's reportedly asking his agency scheduler, Millan Hupp, to handle various tasks for him, including finding him a new place to live last summer — a monthslong, labor-intensive process — and trying to help him buy a used mattress from the Trump International Hotel in Washington.

The mattress caper was, at least, more exotic than Mr. Pruitt's usual shopping misadventures — the nearly \$10,000 to decorate his office, the dozen customized fountain pens for \$1,560, the \$43,000 soundproof phone booth. It even could be seen as a positive sign that he has abandoned his spendthrift ways. No matter: By Tuesday, Mr. Pruitt's furnishing

needs became old news when it was revealed that he had also asked an aide to help his wife, Marlyn, procure a Chick-fil-A franchise. Calls were arranged and the application process begun, but Mrs. Pruitt never did open a restaurant.

Now, as delicious as Chick-fil-A may be, using the agency's staff to run one's personal errands is, of course, a breach of ethics rules. Which may explain in part why, as The Washington Post reported, Mr. Pruitt took it upon himself to contact the C.E.O. of Concordia, a nonprofit in New York, to scare up work for his wife. According to its chief executive, Matthew Swift, Mrs. Pruitt received a few thousand dollars to help organize Concordia's annual conference last year.

And so Mr. Pruitt continues to dazzle with his inventive capacity for misusing his position.

To be fair, the E.P.A. chief is hardly the only official in Washington who's been testing ethical boundaries. Just a few days before he announced last week that he would not seek re-election, Representative Tom Garrett, a Republican from Virginia, was publicly accused by former aides of turning his staff into "personal servants."

Likewise, Mr. Manafort is not alone in playing fast and loose with lobbying rules. One of the more enlightening aspects of his indictment, in fact, was how it revealed the extent to which the K Street crowd dismisses as a joke the Foreign Agents Registration Act, or FARA, which requires Americans lobbying on behalf of foreign entities to disclose who is paying them. Mr. Manafort's experience prompted nervous chatter among his fellow lobbyists as to whether his high-profile case would bring greater scrutiny of, and a crackdown on, FARA abuses more broadly.

More often than not, however, such misbehavior stays in the shadows. Or, when it comes to light, it's shrugged off as politics as usual. It takes something — or someone — pretty special to cut through the white noise of cynicism that surrounds Washington. Which is precisely what the Trump era is providing: a breathtaking, overly vivid circus of conflicts of interests, abuses of office, ethical lapses and breaches of democratic norms that has captured the public's attention with its audacity.

Some of this stems from the Russia investigation. In examining how Mr. Trump's inner circle operates, Mr. Mueller is uncovering all manner of questionable dealings — some of them illegal, others merely appalling.

That said, the Trump Effect extends beyond the Mueller inquiry and into the shameless, often hapless characters with whom this president surrounds himself. Let's not forget, among others, Tom Price (private jets), John McEntee (financial crimes) or Rob Porter (spousal abuse) — and down, down the drain they go.

When candidate Trump vowed to drain the swamp, he most likely didn't do so with the thought of targeting his own cadre of aides and advisers. But whatever his intentions, the Trump era is proving to be a master class in the many ways to abuse power — and the many ways to get busted for it.

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#### **E&E Greenwire**

<https://www.eenews.net/greenwire/stories/1060083669/search?keyword=EPA>

#### **Emails show stressed staffers ghostwriting op-ed for Pruitt**

By Maxine Joselow, 6/6/18

The pressure was on last spring as EPA political appointees assembled an op-ed for Administrator Scott Pruitt on revising clean car rules.

"Please kill me," Samantha Dravis, who was then Pruitt's policy chief, wrote in an email to her colleagues. "I can't get used to this Dell laptop. My track changes are not tracking ... did you guys lock editing on this or something??"

In the works on that day in March 2017 was a USA Today op-ed. The rush was on, spurred by an email from EPA Chief of Staff Ryan Jackson.

"Guys please hurry and get this get this [sic] placed," he wrote. "I was assuming that was done well before now."

The emails were included in documents obtained by the Environmental Defense Fund this month through the Freedom of Information Act.

The staffers were writing the op-ed on March 15, 2017, the day President Trump announced he would review the Obama administration's clean car rules at a rally with automobile industry executives in Ypsilanti, Mich. (E&E News PM, March 15, 2017).

Trump's announcement began a monthslong process in which EPA and the National Highway Traffic Safety Administration hammered out a detailed proposal for revised greenhouse gas rules and corporate average fuel economy (CAFE) standards.

Later that night, there was talk at EPA of placing the op-ed in a Detroit paper rather than USA Today, given the city's status as an epicenter of auto manufacturing.

And Byron Brown, EPA's deputy chief of staff for policy, sought to remove an accent mark over the E in CAFE.

The next morning, a new hire in EPA's press shop was looped in.

J.P. Freire, who had recently joined EPA after being a communications director for Sen. Orrin Hatch (R-Utah), was asked to massage the op-ed before it went to print. He used his Senate email address.

"Senator Hatch's office was not involved in the process of drafting any opinion pieces for Mr. Pruitt," Hatch spokesman Matt Whitlock said in an email to E&E News. "The staffer in question was in the process of transitioning to a new role at EPA as Associate Administrator for Public Affairs and was not working on behalf of the Hatch office."

The op-ed was published March 20 in USA Today: "Scott Pruitt: We're protecting jobs and the environment."

The op-ed argues that revising the tailpipe rules would help keep auto manufacturing jobs in the United States.

#### White House role

The documents also describe a White House order in February 2017 to set in motion the process of rolling back the fuel efficiency standards.

David Schnare, a member of Trump's EPA "beachhead" team, wrote to colleagues, "I have just been directed by the White House Domestic Policy Advisor that in the near future the President will sign an executive order directing EPA to take steps to reopen and reconsider the Corporate Average Fuel Economy standards for 2025 and notice of an intent to withdraw the associated California waiver."

Schnare continued: "[Andrew] Bremberg has directed us to have a notice ready to go into the Federal Register as soon as next week. Such notices are extremely brief. Can you have your staff draft such a notice and get it to me by COB tomorrow? I need to run it past DOT before it goes out."

The Environmental Defense Fund, which obtained the documents, said Schnare's email shows that the rollback was a priority from the dawn of the Trump administration and wasn't based on facts or science.

"Just last week, documents obtained by EDF via a Freedom of Information Act request demonstrated that the drive to attack the clean car standards and state leadership on this issue has been the aim of the administration all along," EDF spokeswoman Sharyn Stein said in an email to reporters this week.

"A February 2017 email from Trump transition team member and climate denier David Schnare," she wrote, "describes a White House order to set these rollbacks into motion, underscoring that this decision was preordained and not based on any analysis of facts or law."

Myron Ebell, who led the EPA transition team, said in an interview that he was unaware of such a White House order.

"I can tell you that one of the things we considered in the course of the transition was the CAFE review. But I have no knowledge that the White House had any kind of order to EPA to reconsider it," said Ebell, who directs the Center for Energy and Environment at the Competitive Enterprise Institute.

Schnare didn't respond to an emailed request for comment in time for publication.

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## **Politico**

<https://subscriber.politicopro.com/agriculture/whiteboard/2018/06/epa-did-not-violate-law-with-tweet-aimed-at-democrats-watchdog-finds-1359642>

### **EPA did not violate law with tweet aimed at Democrats, watchdog finds**

By Emily Holden, 6/6/18, 1:50 PM

EPA and Administrator Scott Pruitt did not violate laws prohibiting agencies from engaging in political activities in a tweet needling Democrats being unable to block a nominee, the Office of Special Counsel has decided.

The federal watchdog found that Pruitt did not compose the tweet or direct anyone to post it, according to a May 23 letter responding to a complaint from a union for EPA staffers, the AFGE Council 238.

The post from the official EPA Twitter account followed a Senate vote to confirm Pruitt's deputy Andrew Wheeler, a former energy lobbyist.

"The Senate does its duty: Andrew Wheeler confirmed by Senate as deputy administrator of @EPA. The Democrats couldn't block the confirmation of environmental policy expert and former EPA staffer under both a Republican and a Democrat president," the April 13 tweet said.

Ana Galindo-Marrone, chief of OSC's Hatch Act Unit, wrote that "the definition of political activity has been understood to cover activities related to advancing or harming the electoral prospects of a political party or candidate for partisan political office," and "the tweet at issue does not give rise to a Hatch Act violation because, without more, it was not aimed at the electoral success or defeat of a political party or candidate for partisan political office."

The letter was first reported by the Washington Post.

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## **Washington Post**

[https://www.washingtonpost.com/news/energy-environment/wp/2018/06/05/epa-did-not-violate-hatch-act-in-tweet-criticizing-democrats-federal-watchdog-finds/?utm\\_term=.8e7256e27c66](https://www.washingtonpost.com/news/energy-environment/wp/2018/06/05/epa-did-not-violate-hatch-act-in-tweet-criticizing-democrats-federal-watchdog-finds/?utm_term=.8e7256e27c66)

### **EPA did not violate Hatch Act in tweet criticizing Democrats, federal watchdog finds**

By Brady Dennis, 6/5/18, 6:02 PM



The Environmental Protection Agency did not violate the Hatch Act, which seeks to keep government functions nonpartisan, when it appeared to criticize the Democratic Party after a confirmation vote in April, the federal office that investigates such matters recently found.

The message that sparked the inquiry came April 13 from the EPA's main Twitter account, shortly after former coal and nuclear lobbyist Andrew Wheeler was confirmed by the Senate to be the agency's second-in-command. Wheeler was voted through 53 to 45, with the vast majority of Senate Democrats opposing his nomination.

@EPA

The Senate does its duty: Andrew Wheeler confirmed by Senate as deputy administrator of @EPA. The Democrats couldn't block the confirmation of environmental policy expert and former EPA staffer under both a Republican and a Democrat president. <https://www.epa.gov/newsreleases/us-senate-confirms-andrew-wheeler-serve-deputy-epa-administrator> ...

9:00 AM - Apr 13, 2018

U.S. Senate Confirms Andrew Wheeler to Serve as Deputy EPA Administrator | US EPA

EPA News Release: U.S. Senate Confirms Andrew Wheeler to Serve as Deputy EPA Administrator

AFGE Council 238, a union that represents EPA employees, later filed a complaint about the tweet, alleging that it violated the Hatch Act of 1939, which prohibits federal employees, except for the president and other high-level officials, from using government resources to support political parties or partisan candidates.

But in a letter to an EPA ethics official dated May 23, the U.S. Office of Special Counsel said that it had found no such violation and that it would be "closing our file without further action."

The office noted that there was no evidence that EPA Administrator Scott Pruitt composed the tweet or directed anyone at the agency to post it. In addition, the letter states, the tweet didn't amount to a Hatch Act violation because "it was not aimed at the electoral success or defeat of a political party or candidate for partisan political office."

Despite the conclusion of the Office of Special Counsel, the controversy over the tweet hasn't gone away.

On Tuesday, Sen. Tom Udall (N.M.), the ranking Democrat on the Senate Appropriations subcommittee that oversees the EPA, announced that the Government Accountability Office had agreed to his request to produce a legal opinion on whether the EPA's tweet violated a prohibition on the use of agency funds for publicity and propaganda.

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### **The Conversation**

<https://theconversation.com/epa-staff-say-the-trump-administration-is-changing-their-mission-from-protecting-human-health-and-the-environment-to-protecting-industry-96256>

### **EPA staff say the Trump administration is changing their mission from protecting human health and the environment to protecting industry**

By Chris Sellers, Lindsey Dillon, and Phil Brown, 6/6/18, 6:38 AM

The Environmental Protection Agency made news recently for excluding reporters from a "summit" meeting on chemical contamination in drinking water. Episodes like this are symptoms of a larger problem: an ongoing, broad-scale takeover of the agency by industries it regulates.

We are social scientists with interests in environmental health, environmental justice and inequality and democracy. We recently published a study, conducted under the auspices of the Environmental Data and Governance Initiative and

based on interviews with 45 current and retired EPA employees, which concludes that EPA Administrator Scott Pruitt and the Trump administration have steered the agency to the verge of what scholars call “regulatory capture.”

By this we mean that they are aggressively reorganizing the EPA to promote interests of regulated industries, at the expense of its official mission to “protect human health and the environment.”

@EPAScottPruitt

Scott Pruitt Explains Why He Sued EPA So Many Times: ‘They Deserved It’:

<http://dailycaller.com/2017/05/11/scott-pruitt-explains-why-he-sued-epa-so-many-times-they-deserved-it/> ...

How close is too close?

The notion of “regulatory capture” has a long record in U.S. social science research. It helps explain the 2008 financial crisis and the 2010 Deepwater Horizon oil spill. In both cases, lax federal oversight and the government’s over-reliance on key industries were widely viewed as contributing to the disasters.

How can you tell whether an agency has been captured? According to Harvard’s David Moss and Daniel Carpenter, it occurs when an agency’s actions are “directed away from the public interest and toward the interest of the regulated industry” by “intent and action of industries and their allies.” In other words, the farmer doesn’t just tolerate foxes lurking around the hen house – he recruits them to guard it.

Serving industry

From the start of his tenure at EPA, Pruitt has championed interests of regulated industries such as petrochemicals and coal mining, while rarely discussing the value of environmental and health protections. “Regulators exist,” he asserts, “to give certainty to those that they regulate,” and should be committed to “enhanc(ing) economic growth.”

In our view, Pruitt’s efforts to undo, delay or otherwise block at least 30 existing rules reorient EPA rule-making “away from the public interest and toward the interest of the regulated industry.” Our interviewees overwhelmingly agreed that these rollbacks undermine their own “pretty strong sense of mission ... protecting the health of the environment,” as one current EPA staffer told us.

Many of these targeted rules have well-documented public benefits, which Pruitt’s proposals – assuming they withstand legal challenges – would erode. For example, rejecting a proposed ban on the insecticide chlorpyrifos would leave farm workers and children at risk of developmental delays and autism spectrum disorders. Revoking the Clean Power Plan for coal-fired power plants, and weakening proposed fuel efficiency standards, would sacrifice health benefits associated with cutting greenhouse gas emissions.

A key question is whether regulated industries had an active hand in these initiatives. Here, again, the answer is yes.

Nuzzling up to industry

Pruitt’s EPA is staffed with senior officials who have close industry ties. For example, Deputy Administrator Andrew Wheeler is a former coal industry lobbyist. Nancy Beck, deputy assistant administrator of EPA’s Office of Chemical Safety and Pollution Prevention, was formerly an executive at the American Chemistry Council. And Senior Deputy General Counsel Erik Baptist was previously senior counsel at the American Petroleum Institute.

Documents obtained through the Freedom of Information Act show Pruitt has met with representatives of regulated industries 25 times more often than with environmental advocates. His staff carefully shields him from encounters with groups that they consider “unfriendly.”

The former head of EPA’s Office of Policy, Samantha Dravis, who left the agency in April 2018, had 90 scheduled meetings with energy, manufacturing and other industrial interests between March 2017 and January 2018. During the same period she met with one public interest organization.

Circumstantial evidence suggests that corporate lobbying is directly influencing major policy decisions. For example, just before rejecting the chlorpyrifos ban, Pruitt met with the CEO of Dow Chemical, which manufactures the pesticide.

Overturning Obama's Clean Power Plan and withdrawing from the Paris climate accord were recommended by coal magnate Robert Murray in his "Action Plan for the Administration." Emails released under the Freedom of Information Act show detailed correspondence between Pruitt and industry lobbyists about EPA talking points. They also document Pruitt's many visits with corporate officials as he formulated his attack on the Clean Power Plan.

#### Muting other voices

Pruitt and his staff also have sought to sideline potentially countervailing interests and influences, starting with EPA career staff. In one of our interviews, an EPA employee described a meeting between Pruitt, the home-building industry and agency career staff. Pruitt showed up late, led the industry representatives into another room for a group photo, then trooped back into the meeting room to scold his own EPA employees for not listening to them.

Threatened by proposed budget cuts, buyouts and retribution against disloyal staff and leakers, career EPA employees have been made "afraid ... so nobody pushes back, nobody says anything," according to one of our sources.

As a result, enforcement has fallen dramatically. During Trump's first 6 months in office, the EPA collected 60 percent less money in civil penalties from polluters than it had under Presidents Obama or George W. Bush in the same period. The agency has also opened fewer civil and criminal cases.

Early in his tenure Pruitt replaced many members of EPA's Science Advisory Board and Board of Scientific Counselors in a move intended to give representatives from industry and state governments more influence. He also established a new policy that prevents EPA-funded scientists from serving on these boards, but allows industry-funded scientists to serve.

And on April 24, 2018, Pruitt issued a new rule that limits what kind of scientific research the agency can rely on in writing environmental regulation. This step was advocated by the National Association of Manufacturers and the American Petroleum Institute.

This is not the first time that a strongly anti-regulatory administration has tried to redirect EPA. In our interviews, longtime EPA staffers recalled similar pressure under President Reagan, led by his first administrator, Anne Gorsuch.

Gorsuch also slashed budgets, cut back on enforcement and "treated a lot of people in the agency as the enemy," in the words of her successor, William Ruckelshaus. She was forced to resign in 1983 amid congressional investigations into EPA misbehavior, including corruptive favoritism and its cover-up at the Superfund program.

EPA veterans of those years emphasized the importance of Democratic majorities in Congress, which initiated the investigations, and sustained media coverage of EPA's unfolding scandals. They remembered this phase as an oppressive time, but noted that pro-industry actions by political appointees failed to suffuse the entire bureaucracy. Instead, career staffers resisted by developing subtle, "underground" ways of supporting each other and sharing information internally and with Congress and the media.

Similarly, the media are spotlighting Pruitt's policy actions and ethical scandals today. EPA staffers who have left the agency are speaking out against Pruitt's policies. State attorneys general and the court system have also thwarted some of Pruitt's efforts. And EPA's Science Advisory Board – including members appointed by Pruitt – recently voted almost unanimously to do a full review of the scientific justification for many of Pruitt's most controversial proposals.

Still, with the Trump administration tilted hard against regulation and Republicans controlling Congress, the greatest challenge to regulatory capture at the EPA will be the 2018 and 2020 elections.

## **Bloomberg**

<https://www.bloomberg.com/news/articles/2018-06-06/epa-plan-for-transparency-in-science-alarms-industry-groups-too>

### **EPA Plan for Transparency in Science Alarms Industry, Too**

By Eric Roston, 6/6/18, 4:00 AM, Updated 1:44 PM

The National Association of Home Builders doesn't typically throw in with the U.S. scientific establishment. No reason. There's just not that much overlap.

That's why the group -- along with pesticide-makers and other unlikely business allies -- stands out among the dozens of prominent public health and science institutions sounding alarms over a U.S. Environmental Protection Agency plan to limit the type of research it uses in making policy.

Scientists are concerned that the proposal would restrict studies that rely on health records obtained with the understanding that the identities of patients be kept confidential, a practice that some conservatives label "secret science."

The proposal has drawn almost 150,000 public comments in five weeks, an unusually high number in a relatively short time.

Among those expressing reservations was the home builders group, which said it did not understand how the changes would affect its members' businesses and their compliance with numerous federal regulations and mandates. The organization, along with other groups and individuals, asked, successfully, that the deadline for comments be extended.

The home builders group, which has 140,000 members, flagged language that said the agency must share all studies, data and epidemiological models used in major rules and conduct independent peer review on "pivotal regulatory science," a phrase novel to the rule.

The proposal also could remake the way the EPA writes rules for several of the nation's most complicated public-health laws, including the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation, and Liability Act, and the Toxic Substances Control Act, according to the NAHB's comments.

Two pesticide trade groups also filed comments: CropLife America, whose members include Monsanto Co., DuPont Crop Protection and Growmark Inc., and Responsible Industry for a Sound Environment.

Janet Collins, an executive vice president of CropLife, wrote that the proposed rule "likely will have far-reaching implications for the organization's members whose products are closely regulated as part of the EPA Office of Pesticide Programs."

The agency has extended the comment period until Aug. 17 and set a public hearing for July 17.

The EPA's proposal says that the agency values transparency and the need to be able to reproduce scientific studies.

"Americans deserve to assess the legitimacy of the science underpinning EPA decisions that may impact their lives," EPA Administrator Scott Pruitt said in April when he signed the proposal, "Strengthening Transparency in Regulatory Science."

But scientists say it is antagonistic to global and historic best practices.

The agency suggests that it intends to eradicate what it calls "secret science," but the Environmental Protection Network, a group of former EPA professionals, calls the initiative "censoring science." The agency's Science Advisory Board voted last week to recommend that the proposal be reviewed.

"If the proposed rule is approved, science will be practically eliminated from all decision-making processes," John Ioannidis, a Stanford medical school professor who specializes in scientific methods, wrote in an essay in the journal PLoS Medicine. "Regulation would then depend uniquely on opinion and whim."

The EPA said in April that its proposal was consistent with data policies for major scientific journals. But three journals that the agency mentioned disagreed with that description.

"EPA is currently soliciting public input on the rule through written comments and a public hearing," the agency said in an email. "We welcome robust public engagement and look forward to reviewing the feedback we receive."

John Graham, the dean of Indiana University's School of Policy and Environmental Affairs in Bloomington, was appointed by Pruitt to the Scientific Advisory Board. From 2001 to 2006, he served as administrator of the Office of Information and Regulatory Affairs, where he authored critical policies, including information quality and peer-review guidelines cited by the EPA in its proposal.

Graham responded by email to questions about the complicated interface between regulation-writing and science, identifying as a central example air pollution and health studies first published in the mid-1990s.

The EPA's proposal resembles previous debates over scientific transparency and privacy. The 2002 federal information quality guidelines Graham oversaw, for example, state that the federal science standard they lay out "does not override other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections."

"This is the difficult exceptions territory," he said.

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## **The Hill**

<http://thehill.com/policy/energy-environment/390833-epa-accuses-fixer-upper-stars-of-violating-lead-paint-rules>

### **EPA accuses 'Fixer Upper' stars of violating lead paint rules**

By Timothy Cama, 6/5/18, 3:50 PM

The stars of the hit HGTV renovation show "Fixer Upper" violated federal regulations for mishandling lead-based paint, the Environmental Protection Agency (EPA) said.

Magnolia Homes, owned by "Fixer Upper" stars Chip and Joanna Gaines, agreed Tuesday to pay a \$40,000 fine to the EPA and complete \$160,000 of lead abatement work around their hometown of Waco, Texas, among other measures, as part of the settlement with the federal government.

"Fixer Upper" follows the Gaines family as they work to renovate and style the homes of local families in the Texas town. The show has hosted former first lady Laura Bush as a guest. The series is currently airing its final season.

The EPA says the program didn't show the Gaineses and others taking proper precautions to avoid lead exposure to workers and residents when working on buildings built before 1978 that could have lead-based paint.

Officials accused the couple of mishandling paint that could have contained lead in 33 of the properties they renovated — a violation of the Residential Property Renovation Rule, implemented under the Toxic Substances Control Act, the EPA says.

Magnolia could have faced up to \$556,000 in fines for the violation.

"It's important that consumers and contractors understand that improper home renovation can expose residents and workers to hazardous lead dust," Susan Bodine, head of enforcement at the EPA, said in a statement.

"Through this settlement, Magnolia is putting in place safeguards to ensure the safety of its renovation work and making meaningful contributions toward the protection of children and vulnerable communities from exposure to lead-based paint."

The conditions for the settlement dictate that Magnolia must adopt new record-keeping processes and must make a video featuring Chip Gaines discussing lead paint and the importance of complying with the federal rules. Gaines already mentioned lead paint testing and precautions in a March episode.

Inhalation and ingestion of lead can cause kidney and nervous system damage, especially in young children.

Magnolia didn't admit to any of the allegations the EPA made.

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### **Washington Examiner**

<https://www.washingtonexaminer.com/policy/energy/epa-magnolia-violated-lead-paint-watching-tv-home-repair-show-fixer-upper>

#### **EPA discovers company violated lead paint rule by watching TV home repair show**

By John Siciliano, 6/5/18, 3:49 PM

The Environmental Protection Agency is cracking down on lead contamination risks that were first revealed on the popular HGTV home renovation series "Fixer Upper."

The EPA and Magnolia Waco Properties reached a settlement to resolve alleged violations of the Toxic Substances Control Act and rules for lead paint after it was revealed that proper protections were not made on a televised segment of the show.

"It's important that consumers and contractors understand that improper home renovation can expose residents and workers to hazardous lead dust," said Susan Bodine, the head of EPA's Office of Enforcement and Compliance Assurance. "Through this settlement, Magnolia is putting in place safeguards to ensure the safety of its renovation work and making meaningful contributions toward the protection of children and vulnerable communities from exposure to lead-based paint."

EPA explained that the violations were discovered after agency officials watched video footage of Magnolia's renovations of older homes appearing in "several seasons" of the show. The content of the shows that EPA reviewed "did not depict the lead-safe work practices normally required" under EPA's repair and renovation regulations.

"After EPA contacted Magnolia with concerns about the company's compliance, Magnolia took immediate steps to ensure compliance with the [renovation] Rule, including to obtain ... certification and training for the firm and its staff and to ensure active compliance across all ongoing renovation projects," according to the agency.

Under Tuesday's settlement agreement, Magnolia will take steps to make sure it obeys all regulations regarding the proper safety precautions in future renovation projects. It will also address the hazards of lead-based paints by educating the public on appropriate renovation procedures.

Lead-based paint was banned 40 years ago, but many homes prior to 1978 contain lead paint. EPA regulations were implemented to prevent lead contamination when homes are renovated. The complaints against Magnolia involved the company's renovation of 33 homes in the town of Waco, Texas.

The company will be doing outreach in Waco as part of the settlement with EPA. It will spend \$160,000 to prevent and abate lead-based paint hazards in homes where occupants are at the highest risk.

"Magnolia also is getting the message about lead-based paint out to a national audience," EPA said.

In Season 5, Episode 16 of "Fixer Upper," which aired on HGTV on March 20, a company official discussed the benefits of testing an old home for lead-based paint and depicted some of the precautions required by EPA's regulations.

Magnolia is also producing a brief video about renovating homes with lead-based paint for its Internet audience. It will post that video online within the next 90 days. In addition, Magnolia will pay a civil penalty of \$40,000.

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### **Politico**

<https://subscriber.politicopro.com/energy/whiteboard/2018/06/white-house-finishes-review-of-epa-cost-benefit-effort-1356892>

#### **White House finishes review of EPA cost-benefit effort**

By Annie Snider, 6/6/18, 12:22 PM

The White House has completed interagency review of a controversial EPA proposal to change how agency calculates the costs and benefits of regulations.

The advanced notice of proposed rulemaking called "Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process," left the White House's Office of Information and Regulatory Affairs Tuesday. An advanced notice is a way of collecting input from interested parties before the agency drafts a formal proposal.

EPA says a rule is necessary because the agency has calculated the cost of regulations differently at different times. "This has led to EPA choosing different standards under the same provision of the statute, the regulatory community not being able to rely on consistent application of the statute, and EPA developing internal policies on the consideration of costs through non-transparent actions," the agency says in the OIRA listing.

Under Administrator Scott Pruitt, EPA has already altered the way it calculated costs and benefits for major Obama-era regulations. In proposing to withdraw the Clean Power Plan last fall, the agency dramatically altered the way it calculated the costs that carbon emissions and pollutants from fossil fuel power plants impose on communities so that the rule's economic burden appeared to outweigh public health gains. And when it proposed killing the Obama administration's Waters of the U.S. rule, the agency removed the benefits of wetlands from its economic analysis, saying their value was too uncertain to include. That see-sawed the rule's costs so that they greatly outweigh its benefits.

WHAT'S NEXT: With interagency review completed, EPA could release the cost-benefit rule soon.

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### **BNA**

[http://esweb.bna.com/eslw/display/no\\_alpha.adp?mode=si&frag\\_id=135574868&item=408&prod=deln&cat=AGENCY](http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=135574868&item=408&prod=deln&cat=AGENCY)

#### **Shell to Pay EPA for Air, Water, Waste Violations in California**

By Sylvia Carignan, 6/6/18

A Shell Oil Co. subsidiary will pay more than \$400,000 for penalties, emergency response equipment, and facility improvements to resolve multiple violations at a California refinery.

The Environmental Protection Agency's inspections of the Martinez, Calif., refinery, owned and operated by Shell Oil Products U.S., revealed violations of federal air, water, risk management, environmental cleanup, and hazardous waste laws. The agency ordered Shell, in a settlement announced June 4, to address those violations.

The company failed to include a worst-case scenario in its risk management plan, according to the EPA. Shell Oil also didn't immediately notify local, state, and federal authorities about a sulfuric acid spill, failed to determine whether its discharged stormwater contained hazardous material, and didn't manage hazardous waste containers appropriately, among other violations.

The EPA inspected the refinery in 2014, 2015, and 2016. The company has agreed to provide county emergency responders with protective gear, air quality monitors, and equipment designed to stop leaks from sulfur dioxide containers.

Though the EPA's findings "did not result in significant impacts to our community or the environment," the company is working to prevent the violations from happening again, the refinery's general manager, Tom Rizzo, said in a statement emailed to Bloomberg Environment.

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#### **BNA**

[http://esweb.bna.com/eslw/display/no\\_alpha.adp?mode=si&frag\\_id=135538285&item=408&prod=deln&cat=AGENCY](http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=135538285&item=408&prod=deln&cat=AGENCY)

#### **Maryland, Delaware Riled Over EPA Air Complaints Snub**

By Leslie A. Pappas, 6/6/18

Maryland and Delaware may sue the EPA over pollution from upwind out-of-state power plants after the agency shrugged at the states' pleas for help.

The Environmental Protection Agency proposed June 1 to deny five petitions the states had filed asking the federal government to impose new pollution controls on power plants in upwind states that Maryland and Delaware had argued were fouling their air.

"We will testify in opposition to the proposal and will use all available tools, including litigation," Maryland Environment Secretary Ben Grumbles said in a statement.

U.S. Sen. Tom Carper (D-Del.) said the EPA "is shirking its primary responsibility," ignoring the needs of states, and putting public health at risk.

"Delaware is working hard to protect its communities from dirty air, but emissions from other states account for nearly 90 percent of air pollution in the First State," Carper said in a statement.

Submitted between July and November 2016, the petitions said the plants violated the Clean Air Act's "good neighbor" provisions, which requires states to ensure that air pollution from within their borders doesn't impinge on downwind states' ability to meet federal limits for pollutants such as ozone. If a state's plan doesn't meet that requirement, the EPA must step in with a suitable plan for addressing the pollution.

Ozone issues can lead to a variety of health problems, especially for children, the elderly, and people with asthma.

Follows Similar Denial



The proposed denial of the Maryland and Delaware petitions comes a few months after the EPA in February denied a similar petition from Connecticut over emissions from Talen Energy's Brunner Island Steam Electric Station in York County, Pa.

The EPA in its proposal said Maryland and Delaware had not done enough to demonstrate that pollution from those upwind power plants was actually linked to poor air quality downwind.

Delaware told the EPA in January it would sue if the federal agency didn't respond to the state's petitions for pollution reductions from plants in Pennsylvania and West Virginia. In four petitions, Delaware said pollution from the coal-fired plants prevents it from meeting federal ozone standards.

The plants in the Delaware petitions are Talen Energy's Brunner Island facility; the Conemaugh Generating Station, operated by PSEG Power LLC in Indiana County, Pa.; the Homer City Generating Station, operated by NRG Energy Services in Indiana County, Pa.; and the Harrison Power Station, operated by a FirstEnergy Corp. subsidiary in Harrison County, W.Va.

Maryland's petition called out 36 electric power plants in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia, saying they were interfering with the state's ability to meet the 2008 standards.

"We're not asking for those power plants to do anything that we're not already doing in Maryland," Grumbles said in his statement.

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## **AP**

<https://apnews.com/f84c5350463543a58863583e8a4ea1c7/Idaho-to-take-over-regulating-water-pollution-from-EPA>

### **Idaho to take over regulating water pollution from EPA**

By Keith Ridler, 6/6/18

BOISE, Idaho (AP) — Idaho will take over regulating pollution discharge into the state's lakes and rivers from the federal government under an agreement signed Tuesday by the head of the U.S. Environmental Protection Agency.

EPA Administrator Scott Pruitt said the agreement was the culmination of a tremendous amount of work and partnership between the state and the federal agency.

"Congratulations to the state of Idaho," he said. "We are excited to sign this and look forward to working with Idaho as we go forward on these issues."

Pruitt signed the agreement at the Idaho statehouse with Gov. C.L. "Butch" Otter. It shifts control of permitting and enforcement aspects under the federal Clean Water Act to the state starting July 1.

"It's good to have Idahoans making decisions about Idaho issues," Otter said.

Idaho is one of only four states where federal authorities manage pollution discharge into surface waters. The others are: New Mexico, New Hampshire and Massachusetts.

Idaho officials say a state-run program will be more responsive, and local experts who are better acquainted with Idaho will be making decisions.

However, Idaho can't write permits that are less stringent than the EPA permits, and the EPA retains oversight of the program.

The Idaho Department of Environmental Quality will acquire additional responsibilities through 2021 for issuing pollution discharge permits to cities, industrial businesses, mining operators, animal feedlots and others.

"I have no reservations about us having the people and the resources to be able to administer this program effectively and appropriately," said John Tippetts, director of the state agency.

The change delegates authority to Idaho to implement its Idaho Pollutant Discharge Elimination System, a goal set in the late 1990s.

Idaho lawmakers in 2014 directed the state Department of Environmental Quality to seek authorization from the EPA for a state-run program. A public process followed, culminating with a 325-page application last August and Tuesday's signing by Pruitt.

The added duties mean the state has to more than double the number of workers in the program to have the equivalent of 29 full-time positions at a projected cost of \$3 million annually. Idaho lawmakers in recent years have been approving funding.

About two-thirds of the cost of the program will come from the state's general fund, with the rest from fees on those seeking permits, said Mary Anne Nelson, the system's program manager.

She said 22 workers are on board, with four more being hired this summer and three more next year. She said workers have been in the field with EPA permit writers and compliance officers.

"We've been doing all of this job shadowing in preparation for taking on the program in July," she said.

Justin Hayes of the Idaho Conservation League, an environmental watchdog group, said the group overall backed the change.

The main benefit, he said, is that more permits will be examined by the state rather than administratively approved without much review by the EPA, which Hayes said is understaffed and underfunded in Idaho.

"There is some real upside in the state doing this," he said but added the group was wary of the potential of pressure being put on the state agency to favor polluters.

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## AP

[https://apnews.com/c88fb927bcf84f5bb622203039935977/Consent-decree-to-cost-Mississippi-city-more-than-\\$120M](https://apnews.com/c88fb927bcf84f5bb622203039935977/Consent-decree-to-cost-Mississippi-city-more-than-$120M)

### **Consent decree to cost Mississippi city more than \$120M**

6/6/18

MERIDIAN, Miss. (AP) — A city council in Mississippi has voted to enter an agreement to avoid litigation by updating its sewer system at a cost of more than \$120 million over the next 20 years.

News outlets report the Meridian City Council agreed to enter into a consent decree Tuesday with the Environmental Protection Agency and the Department of Justice.

The EPA found the city was in violation of the Clean Water Act. The agency cited Meridian for sanitary sewer overflows, or discharges of untreated storm water inadvertently discharged into Sowashee Creek.

The Meridian Director of Public Works, Hugh Smith, says an analysis had estimated that the city would need to increase water rates by 4.5-4.6 percent annually to pay for the system updates.



Message

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**From:** Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]  
**Sent:** 4/25/2018 3:20:12 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]  
**CC:** Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]  
**Subject:** RE:  
**Attachments:** 04-25-2018 - FY19 Budget Hearing HOT TOPICS OCIR V4\_Supplemental at Bottom.docx

Attached Ryan. At the bottom we had all new supplemental hot topics being reported as of now and all April oversight letters through this morning.

Best Regards,

Christian R. Palich  
*Deputy Associate Administrator*  
*Office of Congressional & Intergovernmental Affairs*  
*U.S Environmental Protection Agency*  
*O: 202.564.4944*  
C: **Ex. 6**  
*E: Palich.Christian@epa.gov*

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**From:** Jackson, Ryan  
**Sent:** Wednesday, April 25, 2018 9:11 AM  
**To:** Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>  
**Cc:** Lyons, Troy <lyons.troy@epa.gov>  
**Subject:**

I need you guys to compile a list of the latest from the new on issues being reported on top of the already prepared prep. This involved simply a list of newly reported letters, complaints, etc. Need to be compiled this morning.

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency  
**Ex. 6**

Message

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**From:** Allen, Reginald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=799C3B0558E14130B17C66B2533548BA-ALLEN, REGI]  
**Sent:** 6/30/2017 8:07:47 PM  
**To:** Chmielewski, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a8c269da515e475d9705f091dd2713f6-Chmielewski]  
**CC:** Reeder, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa56f6b0d507483fba530f3abbf6c94f-JREEDER]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** RE: HAC QFRs related to Travel

Kevin

We cannot address these questions fully without your input.

Please contact Mardiko Ellison at 546-0401.

Thanks  
Reggie

*Reginald E. Allen, SES*  
*Assistant Deputy Chief of Staff*  
*U.S. Environmental Protection Agency*  
*Office 202-564-0444*  
*Direct 202-564-1029*  
Cell Ex. 6

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**From:** Allen, Reginald  
**Sent:** Thursday, June 29, 2017 9:28 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Reeder, John <Reeder.John@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>  
**Subject:** HAC QFRs related to Travel

Ryan

You are probably aware but wanted to ensure you knew that we have received from OCFO Questions for the Record QFRs related to travel from the HAC.

To answer these questions by noon Friday (to OCFO) we will need Kevin's assistance and any guidance you may have.

Best  
Reggie

*Reginald E. Allen, SES*  
*Assistant Deputy Chief of Staff*  
*U.S. Environmental Protection Agency*  
*Office 202-564-0444*  
*Direct 202-564-1029*  
Cell Ex. 6

## **Administrator's Schedule and Travel Budget**

### **With OA and OECA for specifics on costs**

**McCollum Q34:** Does the EPA plan to regularly release the Administrator's schedule to the public?

**McCollum Q35:** To date, what are the total travel costs incurred by the Administrator including all support staff? What was the total travel costs per year for the Administrator for the last four years?

**McCollum Q36:** How many times has Administrator Pruitt traveled to Oklahoma since becoming Administrator? For each trip made to Oklahoma using federal funds, provide the purpose of the trip and the purpose for any meetings the Administrator attended.

**McCollum Q37:** From what program projects is protection of the Administrator funded and what are the FY 2017 and FY 2018 requested levels? Provide the costs of the security detail provided to Administrator Pruitt and provide the last four years of security costs for Administrator protection.

**McCollum Q38:** Does Administrator Pruitt fly first class at the federal tax payers' expense? If so, what is the justification for the upgraded travel? Did prior Administrators use this justification and, if so, which ones?

**From:** Ex. 6  
**Sent:** 5/18/2018 2:25:46 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** Re: Will Trump's pick to run EPA in California show up for work?

: -)

Sent from my iPhone

On May 18, 2018, at 6:17 AM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

Well, Oklahomans know what a bull wrangler is. If that's what you are, that's what we need. Welcome to the EPA.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6

On May 17, 2018, at 11:46 PM, "Ex. 6" <Ex. 6> wrote:

Almost funny. I am sure our distractors would love it if I didn't show up to work.  
On the contrary I look forward to showing up 24/7  
7 days a week 354 days a year non-stop.  
I am relentless.  
Best regards,  
Mike

<http://www.latimes.com/politics/la-na-pol-epa-pick-san-francisco-20180517-story.html>

## Will Trump's pick to run EPA in California show up for work?

By [Tony Barboza](#) and [Evan Halper](#)



The Golden Gate Bridge and San Francisco skyline from the Golden Gate National Recreation Area. (Allen J. Schaben / Los Angeles Times)

The White House may have finally found someone to take on the stress of overseeing President Trump's fossil fuel-friendly environmental agenda in the heart of hostile territory: California and nearby states.

But there's one glaring problem.

The guy officials have queued up to lead the Environmental Protection Agency's headquarters in San Francisco doesn't want to live anywhere near San Francisco.

That doesn't appear to be stopping the administration from hiring Santa Barbara County GOP stalwart Mike Stoker, a politico well positioned to annoy the powers that be in California.

He credits himself with conceiving the "lock her up" chant that Trump rallygoers shouted in their rage against Hillary Clinton. He was the spokesman for one of the state's most embattled oil



companies. He questions the scientific consensus on climate change.

None of those things are disqualifying, even if some in California think they should be. But Stoker's refusal to work in the liberal City by the Bay has put the administration in a pickle. Instead he wants to oversee the 700 or so enforcement officers, scientists, researchers and others guiding environmental protection in California and nearby states from a small, sparsely staffed Los Angeles satellite office.

That's a big ask in an agency already reeling from investigations into the travel habits of its leaders, including the taxpayer-funded flights back home to Oklahoma by EPA chief Scott Pruitt, some of which were in the first-class cabin.

California Sen. Dianne Feinstein fired off a letter to Pruitt on Thursday warning of the consequences of allowing Stoker to be an "absentee" chief of EPA Region 9. She demanded to know how the arrangement could possibly work, and what costs taxpayers would bear.

The EPA weeks ago alerted Stoker allies in Santa Barbara that his appointment was imminent. But no official announcement has come as his backers, including EPA political appointees, scramble to figure out how he can run a large San Francisco-based bureaucracy without showing up there, according to staffers inside the agency who spoke on condition that their names not be used. Some longtime career officials at the EPA are deeply skeptical, and warn such an arrangement could create yet more ethics troubles for the agency.

The last time a regional EPA chief tried juggling work at the San Francisco headquarters with trips home to Southern California, federal investigators discovered some \$69,000 in flights they said may have been inappropriately billed to taxpayers. That was during the late years of the George W. Bush administration. Feinstein reminded Pruitt about that investigation, and questioned if his EPA is heeding the lessons learned from it.

Stoker, a former Santa Barbara county supervisor who made his entry into politics in the 1980s as a strident opponent of a ballot measure limiting offshore oil development, did not return calls and emails. A statement from the EPA said only, "we have no personnel announcements to make at this time."

Environmental groups joined Feinstein in expressing bewilderment that the region chief may keep living in Carpinteria, which is hours from even the Los Angeles office.

"You can't do that job without face-to-face contact with the scientists, engineers, lawyers, and other professionals in Region 9's office who do the heavy lifting," said Eric Schaeffer, a former chief of civil enforcement at EPA who now runs the nonprofit Environmental Integrity Project. "Phoning it in is not going to work."

Finding a leader for Region 9 has been vexing for the Trump administration. One ally of industry after another rejected its overtures to lead the feisty office of career professionals who have little enthusiasm for the Trump agenda. The pay hardly compares to what potential recruits are making in the private sector, the cost of living in San Francisco is crushing and the neighbors are not particularly hospitable to folks carrying the "Make America Great Again" torch.

For such reasons, Stoker seemed a good fit. A Trump delegate at the 2016 Republican National Convention who delights in mocking liberals on social media, Stoker is a rare commodity on the California coast: a resilient Republican.

"He's a bull wrangler, and that's exactly what we need," said Andy Caldwell, executive director of the Santa Barbara County Coalition of Labor, Agriculture and Business. Caldwell learned of the coming appointment when the EPA sought a quote from him to put in its news release. He said Stoker is skilled at brokering deals among disparate interests.

Not all Stoker's fellow Republicans are as impressed. Dale Francisco, a former chair of the Santa Barbara County GOP, wrote several senators in March to urge they reject Stoker's appointment

for a different high-level job in the administration, running the Federal Mediation and Conciliation Service. Francisco said in an interview that Stoker has never managed a major organization.

"You can be the world's most wonderful guy, but without any management experience, you should not be managing as large an organization as EPA Region 9. Period," Francisco said in an interview. "How is he going to manage this agency in a state where elected leadership is utterly opposed to Trump and get anything done?"

Other Republicans attributed Francisco's attacks to bitterness over Stoker's role advising the local GOP party in its dispute with Francisco's girlfriend, who was fired as the party's executive director. The woman brought her complaints of discrimination and retaliation to state labor investigators, who declined to take any action.

Stoker's record suggests he would be an unflinching champion of the rollbacks of fuel economy standards, air quality rules and other federal environmental protections that are riling California's leaders.

He criticized lawsuits that California municipalities filed against the oil industry for their role in climate change, telling the Santa Barbara News-Press last year that they ignore "the conflicting evidence about global warming, and as we all know, there is conflicting evidence."

One of the oil companies in the area most despised by environmentalists, Santa Maria-based Greka Oil & Gas, which has a history of regulatory troubles, spills and violations at its California facilities, was represented by Stoker.

That company, now known as HVI Cat Canyon Inc., has been in a years-long legal fight with the EPA and federal prosecutors over pollution from its operations. In 2011 the Department of Justice filed suit alleging a series of spills at the company's California facilities violated state and federal environmental laws. Last month, the company was hit with a \$12.5-million fine by state regulators over violations at an oil field in Orange County.

Stoker's alignment with forces long at odds with the EPA makes him a particularly troubling pick for environmentalists. "Once again," said Linda Krop, chief counsel of the Environmental Defense Center in Santa Barbara, "it's putting someone in charge who actually opposes the mission of the agency."

[The latest from Washington »](#)

[More stories from Evan Halper »](#)

[tony.barboza@latimes.com](mailto:tony.barboza@latimes.com)

[evan.halper@latimes.com](mailto:evan.halper@latimes.com)



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Tony Barboza is a reporter who covers air quality and the environment with a focus on Southern California. He has been on staff at the Los Angeles Times since 2006, is a graduate of Pomona College and completed a Ted Scripps Fellowship in Environmental Journalism at the University of Colorado.



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Evan Halper writes about a broad range of policy issues out of Washington D.C., with particular emphasis on how Washington regulates, agitates and very often miscalculates in its dealings with

California. Before heading east, he was the Los Angeles Times bureau chief in Sacramento, where he spent a decade untangling California's epic budget mess and political dysfunction.

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## President Trump signs spending bill

Sent from my iPhone

Message

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**Subject:** EPA News Highlights 5.18.18

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### **EPA News Highlights 5.18.18**

#### **Michigan Radio: EPA And St. Louis Residents Work Together On Effort To Clean Up Former Chemical Plant**

In 1973, a plant owned by Velsicol Chemical made a mistake and shipped a toxic flame retardant chemical to a livestock feed plant. That chemical was polybrominated biphenyl, or PBB. It took about a year to discover the accident and millions of Michiganders ate contaminated beef, chicken, pork, milk, and eggs. That Velsicol plant was torn down and buried in 1982 and the 52-acre site is now being cleaned up through the EPA's Superfund. Meanwhile, the people of St. Louis, particularly the members of the Pine River Superfund Citizen Task Force, are keeping an eye on that cleanup.

#### **The Washington Examiner: EPA's Scott Pruitt Proposes Repealing Key Parts Of Obama-Era Rule Meant To Prevent Chemical Accidents**

Scott Pruitt, administrator of the Environmental Protection Agency, proposed Thursday repealing major parts of a chemical safety rule finalized in the last days of the Obama administration. The rule is intended to toughen standards for chemical plants and other facilities to prevent and mitigate accidental chemical releases. It applies to about 12,500 facilities ranging from petroleum refineries, chemical manufacturers, water and wastewater treatment systems, food manufacturers, packing plants, and more. The Obama administration finalized the rule in December 2016 after seeking changes in response to the 2013 explosion of ammonium nitrate at a fertilizer plant in West, Texas, that killed 15 people.

#### **Reuters: EPA Moves To Undo Obama-Era Chemical Disaster Rules**

The U.S. Environmental Protection Agency took steps on Thursday to roll back and delay Obama-era rules aimed at improving safety at chemical plants, which had come in response to a 2013 explosion at a fertilizer plant in Texas that killed 15 people. EPA Administrator Scott Pruitt introduced a proposal to rescind the measures, saying it would save the industry tens of millions of dollars a year and "better address potential security risks." "The rule proposes to reduce unnecessary regulatory burdens, address the concerns of stakeholders and emergency responders on the ground, and save Americans roughly \$88 million a year," Pruitt said in a statement. The proposal would also delay some of the compliance dates of the Obama-era amendments and cancel certain provisions that address accident prevention. It was the latest in a string of Trump administration proposals aimed at rolling back environmental regulations put in place by former Democratic President Barack Obama, which industry groups have said added to their regulatory burdens.

#### **West Hawaii Today: EPA Sends Air Quality Monitors To Hawaii Island**

The U.S. Environmental Protection Agency has deployed emergency responders and air monitoring equipment to Hawaii Island as part of the Federal Emergency Management Agency's response to the Kilauea volcano eruption, according to a press release from the EPA. The EPA is also sending experts to analyze public health threats from volcanic gas emissions and to assist with data management support. The EPA is augmenting the multi-agency air monitoring efforts of acute threats to public health from the emission of volcanic gases.

#### **Sidney Herald: Pruitt Supports Butte, Anaconda Cleanups Despite Budget Cuts**

During a Senate hearing Wednesday Scott Pruitt, Environmental Protection Agency administrator, defended making plans to cut EPA's Superfund budget while staying committed to Butte and Anaconda's cleanup. Pruitt testified before



the Senate Appropriations Subcommittee on the Interior, Environment and Related Agencies Wednesday on Capitol Hill in Washington, D.C. to discuss President Donald Trump's proposed \$6.15 billion 2019 budget for EPA — a 23 percent cut from 2018. Some of the proposed EPA cuts are to the Superfund program. Proposed Superfund appropriation is \$1.08 billion, down from \$1.15 billion this year. Democrat Sen. Jon Tester questioned Pruitt on the budget cuts, referencing Butte and Anaconda as he did so. "It takes more than being put on a list, you've got to have manpower and resources," Tester said. EPA placed both Butte and Anaconda on Pruitt's "emphasis list" late last year, which has greatly accelerated both Butte and Anaconda's cleanups. Butte is now slated to be delisted from the National Priorities List in 2024 and Anaconda in 2025.

#### Fox 55 Illinois: Gov. Bruce Rauner announces \$3 million EPA grant for new water source in Quincy

The State of Illinois and the city of Quincy are partnering up to develop a new city-wide water source. Gov. Bruce Rauner made the announcement Wednesday at the Illinois Veterans Home in Quincy, where 13 residents have been killed due to Legionnaires Disease since 2015. The Illinois Environmental Agency invested \$3 million in the new well system. The city of Quincy will invest another \$3 million to complete the project. "The world has changed. The health needs of our veterans has changed. We need to change with the times," Rauner said.

#### **National News Highlights 5.18.18**

##### The New York Times: Trump Administration to Tie Health Facilities' Funding to Abortion Restrictions

Clinics that provide abortions or refer patients to places that do would lose federal funding under a new Trump administration rule that takes direct aim at Planned Parenthood, according to three administration officials. The rule, which is to be announced Friday, is a top priority of social conservatives and is the latest move by President Trump to impose curbs on abortion rights, in this case by withholding money from any facility or program that promotes abortion or refers patients to a caregiver that will provide one. The policy would be a return to one instituted in 1988 by President Ronald Reagan that required abortion services to have a "physical separation" and "separate personnel" from other family planning activities. That policy is often described as a domestic gag rule because it barred caregivers at facilities that received family planning funds from providing any information to patients about an abortion or where to receive one.

##### The Washington Post: 'Bigger Than Watergate': Trump Joins Push By Allies To Expose Role Of An FBI Source

President Trump's allies are waging an increasingly aggressive campaign to undercut the Russia investigation by exposing the role of a top-secret FBI source. The effort reached new heights Thursday as Trump alleged that an informant had improperly spied on his 2016 campaign and predicted that the ensuing scandal would be "bigger than Watergate!" The extraordinary push begun by a cadre of Trump boosters on Capitol Hill now has champions across the GOP and throughout conservative media — and, as of Thursday, the first anniversary of Robert S. Mueller III's appointment as special counsel, bears the imprimatur of the president. The dispute pits Trump and the Republican chairman of the House Intelligence Committee against the Justice Department and intelligence agencies, whose leaders warn that publicly identifying the confidential source would put lives in danger and imperil other operations.

#### **TRUMP TWEETS**

##### Michigan Radio

<http://michiganradio.org/post/epa-and-st-louis-residents-work-together-effort-clean-former-chemical-plant>

##### **EPA And St. Louis Residents Work Together On Effort To Clean Up Former Chemical Plant**

By Stateside Staff, 5/17/18

In 1973, a plant owned by Velsicol Chemical made a mistake and shipped a toxic flame retardant chemical to a livestock feed plant.

That chemical was polybrominated biphenyl, or PBB.

It took about a year to discover the accident and millions of Michiganders ate contaminated beef, chicken, pork, milk, and eggs.

That Velsicol plant was torn down and buried in 1982 and the 52-acre site is now being cleaned up through the EPA's Superfund.

Meanwhile, the people of St. Louis, particularly the members of the Pine River Superfund Citizen Task Force, are keeping an eye on that cleanup.

Jane Keon is a founding member of the task force and author of Tombstone Town: Left for Dead, Marked with a Tombstone, a Toxic Town Fights Back. She joined Stateside to explain how she and other community members feel the Velsicol cleanup is moving along.

Listen above to hear Keon explain the effect this site has had on the St. Louis community over the years and why she feels the community and the EPA are now "all on the same page."

Thomas Alcamo is a project manager for EPA Region 5. He also joined Stateside today to explain the EPA's "stepwise approach" to cleanup and future goals for the site.

## The Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/epas-scott-pruitt-proposes-repealing-key-parts-of-obama-era-rule-meant-to-prevent-chemical-accidents>

### **EPA's Scott Pruitt Proposes Repealing Key Parts Of Obama-Era Rule Meant To Prevent Chemical Accidents**

By Josh Siegel, 5/17/18

Scott Pruitt, administrator of the Environmental Protection Agency, proposed Thursday repealing major parts of a chemical safety rule finalized in the last days of the Obama administration.

The rule is intended to toughen standards for chemical plants and other facilities to prevent and mitigate accidental chemical releases. It applies to about 12,500 facilities ranging from petroleum refineries, chemical manufacturers, water and wastewater treatment systems, food manufacturers, packing plants, and more.

The Obama administration finalized the rule in December 2016 after seeking changes in response to the 2013 explosion of ammonium nitrate at a fertilizer plant in West, Texas, that killed 15 people.

Last March, Pruitt delayed the safety rule and began the process of repealing it, in response to complaints from industry groups, congressional Republicans, and 11 states, who argued the rule was too costly. The EPA describes its proposed changes as "minor."

"Accident prevention is a top priority at EPA, and this proposed rule will ensure proper emergency planning and continue the trend of fewer significant accidents involving chemicals," Pruitt said Thursday in a statement. "The rule proposes to reduce unnecessary regulatory burdens, address the concerns of stakeholders and emergency responders on the ground, and save Americans roughly \$88 million a year."

Pruitt proposed to repeal requirements in the rule that audits of facilities be conducted by third parties and that investigators determine the "root cause" of an accident. The EPA cited uncertain environmental benefits from those provisions and added costs, when compared to existing requirements.

Pruitt also proposed to rescind other elements of the rule, including a 12-month completion deadline for investigative incident reports; employee training requirements; and a mandate that facility owners release chemical hazard information to the public upon request after accidents.

The EPA said it will keep a requirement forcing plant owners to hold a public meeting within 90 days after an accident.

In limiting information disclosure, the EPA cited concerns about "an additional security risk for facilities."

EPA claimed the repeal of these components of the rule will produce between \$87.9 million and \$88.4 million in cost savings.

The agency will accept public comment for 60 days once its proposed repeal is published in the Federal Register, and plans to host a public hearing on June 14.

There is already a pending legal challenge to Pruitt's decision to delay the rule, and opponents will likely sue again once he takes final action on repealing parts of it.

## Reuters

<https://uk.reuters.com/article/us-usa-epa-chemicals/epa-moves-to-undo-obama-era-chemical-disaster-rules-idUKKCN1I131N>

### **EPA Moves To Undo Obama-Era Chemical Disaster Rules**

By Valerie Volcovici, 5/17/18

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency took steps on Thursday to roll back and delay Obama-era rules aimed at improving safety at chemical plants, which had come in response to a 2013 explosion at a fertilizer plant in Texas that killed 15 people.

EPA Administrator Scott Pruitt introduced a proposal to rescind the measures, saying it would save the industry tens of millions of dollars a year and "better address potential security risks."

"The rule proposes to reduce unnecessary regulatory burdens, address the concerns of stakeholders and emergency responders on the ground, and save Americans roughly \$88 million a year," Pruitt said in a statement.

The proposal would also delay some of the compliance dates of the Obama-era amendments and cancel certain provisions that address accident prevention.

It was the latest in a string of Trump administration proposals aimed at rolling back environmental regulations put in place by former Democratic President Barack Obama, which industry groups have said added to their regulatory burdens.

In January 2017, before Republican President Donald Trump took office, the EPA introduced several changes to companies' risk management plans they submit to the agency, including requiring more analysis of safety technology, third-party audits and incident investigation analyses and stricter emergency preparedness requirements.

Last February, the EPA received a petition from a coalition of chemical and energy industry groups, including the American Chemistry Council and American Petroleum Institute, to delay and reconsider the Obama-era amendments.

The explosion at the West Texas fertilizer plant killed 15 people, including 12 firefighters. Scores of others were injured and more than 500 homes were damaged in the blast, with total damaged estimated at more than \$100 million.

The source of the explosion was ammonium nitrate stored in a wooden container at the plant, investigators said.

The EPA press release announcing the proposed changes to the Obama administration amendments, included a statement from the National Association of Chemical Distributors.

"The Obama Administration would have imposed significant new costs on industry without identifying or quantifying the safety benefits to be achieved through new requirements," the lobby group's president, Eric Byer, said.

The United Steelworkers union said in a statement on Thursday it strongly opposed the proposed rollbacks.

“USW members work in dangerous facilities that house huge quantities of hazardous chemicals. We are strongly opposed to this deregulation that endangers workers and their communities,” the group said.

The proposed rule will be open to public comment for 60 days and a public hearing on the rule is scheduled for June 14.

## West Hawaii Today

<http://www.westhawaii.com/2018/05/17/hawaii-news/epa-sends-air-quality-monitors-to-hawaii-island/>

### **EPA Sends Air Quality Monitors To Hawaii Island**

By West Hawaii Today Staff, 5/17/18

KAILUA-KONA — The U.S. Environmental Protection Agency has deployed emergency responders and air monitoring equipment to Hawaii Island as part of the Federal Emergency Management Agency’s response to the Kilauea volcano eruption, according to a press release from the EPA.

The EPA is also sending experts to analyze public health threats from volcanic gas emissions and to assist with data management support. The EPA is augmenting the multi-agency air monitoring efforts of acute threats to public health from the emission of volcanic gases.

The agency is also working with the Hawaii Department of Health staff to evaluate locations for additional air quality monitoring stations, as well as to integrate the multi-agency air quality data collection efforts by US Geological Survey/National Park Service, County of Hawaii, state Civil Defense and state Department of Health.

EPA has deployed four staff and will mobilize additional equipment and personnel to support 12 monitoring stations for sulfur dioxide, hydrogen sulfide and particulates and support DOH requests for assistance in collecting, managing and interpreting air monitoring data.

## Sidney Herald

[https://www.sidneyherald.com/national/news/pruitt-supports-butte-anaconda-cleanups-despite-budget-cuts/article\\_81a468d4-9056-5ed0-91ce-ffa3c073e888.html](https://www.sidneyherald.com/national/news/pruitt-supports-butte-anaconda-cleanups-despite-budget-cuts/article_81a468d4-9056-5ed0-91ce-ffa3c073e888.html)

### **Pruitt Supports Butte, Anaconda Cleanups Despite Budget Cuts**

By Susan Dunlap, 5/16/18

During a Senate hearing Wednesday Scott Pruitt, Environmental Protection Agency administrator, defended making plans to cut EPA’s Superfund budget while staying committed to Butte and Anaconda’s cleanup.

Pruitt testified before the Senate Appropriations Subcommittee on the Interior, Environment and Related Agencies Wednesday on Capitol Hill in Washington, D.C. to discuss President Donald Trump’s proposed \$6.15 billion 2019 budget for EPA — a 23 percent cut from 2018.

Some of the proposed EPA cuts are to the Superfund program. Proposed Superfund appropriation is \$1.08 billion, down from \$1.15 billion this year.

Democrat Sen. Jon Tester questioned Pruitt on the budget cuts, referencing Butte and Anaconda as he did so.

“It takes more than being put on a list, you’ve got to have manpower and resources,” Tester said.

EPA placed both Butte and Anaconda on Pruitt’s “emphasis list” late last year, which has greatly accelerated both Butte and Anaconda’s cleanups. Butte is now slated to be delisted from the National Priorities List in 2024 and Anaconda in 2025.

The southwest Montana towns make up the largest Superfund complex in the nation. No new resources have been added. Both sites have only one EPA project manager, despite the intensified and sped-up workload.

Pruitt defended his position by suggesting the proposed cut is not his fault, but the fault of the White House.

"Sometimes I'm not as persuasive as I want to be with OMB," he said.

OMB is shorthand for the White House's Office of Management and Budget, which establishes the president's vision for budgets.

Pruitt cut in on Tester's reply by adding:

"The reason we have a Butte situation is because of a lack of awareness, of leadership and accountability."

Both of Montana's senators sought assurances from Pruitt that Butte and Anaconda would have opportunities for public input. Both Tester and Republican Sen. Steve Daines brought up the consent-decree negotiations that went on for over a decade in secret in Butte. The consent decree will determine the rest of the Butte Hill cleanup and is an important part of getting Butte delisted.

"Transparency hasn't happened and public input hasn't happened," Tester said to Pruitt.

"Montana is home to the most expansive Superfund sites in the country," Daines said. "It is critical the EPA prioritize these sites and listen to the input of impacted Montanans as we work to clean up these areas."

Pruitt responded to Daines by saying it's "important for community stakeholders to have a voice in the process," and "it's something we're definitely committed to and we'll definitely make sure it happens in Butte."

Members of the subcommittee, which include both of Montana's senators, spent time asking Pruitt about more than just the latest EPA proposed budget. Some on the committee took the opportunity to question Pruitt about many of the controversies that have been plaguing his tenure. There are now 12 investigations looking into Pruitt's ethical conduct as EPA's top administrator, according to The New York Times.

Questions swirling around Pruitt include his security detail, his personal phone booth, his first-class flights and an apartment he rented from an industry insider for less than market value.

During opening remarks, Democrat Sen. Patrick Leahy of Vermont called the 2019 budget "indefensible" and Pruitt's controversies an "embarrassment to the agency."

This is also not the first time Pruitt has appeared before Congress to ask for a highly reduced budget.

Last year, the White House wanted to slash EPA's budget and the Superfund program by around 30 percent each.

But when Congress passed the Omnibus bill in late February, the 2018 general operating budget was largely restored to 2017 and 2016 levels.

In addition to a renewed effort to cut EPA's budget, the 2019 budget proposal would trim the agency's staff to 12,250. That's around 3,000 less than EPA has on staff now.

Daines also brought up Anaconda's health study during the committee hearing. At EPA's request, the Agency for Toxic Substances and Disease Registry (ATSDR) showed up in Anaconda last week for a "listening session," to hear from former smeltermen and from the general public to learn about the communities' greatest health concerns. ATSDR expects to return over the summer to announce a study that is expected to be designed based around what the Atlanta-based agency heard from residents.

Daines wanted to know if EPA is working with ATSDR to "seek appropriate public comment on the health study."

Pruitt assured Daines on that as well, calling EPA, ATSDR, and the state's efforts to work together as "important," and said it should be "cohesive" and that the process "is demonstrative of that."

## Fox 55 Illinois

<http://foxillinois.com/news/local/gov-bruce-rauner-announces-3-million-epa-grant-for-new-water-source-in-quincy>

### **Gov. Bruce Rauner announces \$3 million EPA grant for new water source in Quincy**

By Fox Illinois, 5/16/18

QUINCY, Ill. (WICS/WRSP) — The State of Illinois and the city of Quincy are partnering up to develop a new city-wide water source.

Gov. Bruce Rauner made the announcement Wednesday at the Illinois Veterans Home in Quincy, where 13 residents have been killed due to Legionnaires Disease since 2015.

The Illinois Environmental Agency invested \$3 million in the new well system.

The city of Quincy will invest another \$3 million to complete the project.

"The world has changed. The health needs of our veterans has changed. We need to change with the times," Rauner said.

Gov. Rauner said construction of the new well will begin this summer and will last nearly a year. He said this is just one step in his long-term plan to help the veterans at the home.

## The New York Times

<https://www.nytimes.com/2018/05/17/us/politics/trump-funding-abortion-restrictions.html>

### **Trump Administration to Tie Health Facilities' Funding to Abortion Restrictions**

By Julie Hirschfeld Davis and Maggie Haberman, 5/18/18

WASHINGTON — Clinics that provide abortions or refer patients to places that do would lose federal funding under a new Trump administration rule that takes direct aim at Planned Parenthood, according to three administration officials.

The rule, which is to be announced Friday, is a top priority of social conservatives and is the latest move by President Trump to impose curbs on abortion rights, in this case by withholding money from any facility or program that promotes abortion or refers patients to a caregiver that will provide one.

The policy would be a return to one instituted in 1988 by President Ronald Reagan that required abortion services to have a "physical separation" and "separate personnel" from other family planning activities. That policy is often described as a domestic gag rule because it barred caregivers at facilities that received family planning funds from providing any information to patients about an abortion or where to receive one.

Federal family planning laws already ban direct funding of organizations that use abortion as a family planning method. But conservative activists and Republican lawmakers have been pressing Alex M. Azar II, the secretary of health and human services, to tighten the rules further so that abortions could not occur — or be performed by the same staff — at locations that receive Title X federal family planning money.

Dawn Laguens, the executive vice president of Planned Parenthood Federation of America, called the new proposal "outrageous" and "dangerous."

The policy, she said in a statement late Thursday, is “designed to make it impossible for millions of patients to get birth control or preventive care from reproductive health care providers like Planned Parenthood. This is designed to force doctors and nurses to lie to their patients. It would have devastating consequences across this country.”

Marjorie Dannenfelser, the president of the Susan B. Anthony List, a group that opposes abortion rights, thanked Mr. Trump on Thursday night in a statement in which she said the move would “energize” conservative voters heading into the midterm congressional elections this fall.

“We thank President Trump for taking action to disentangle taxpayers from the abortion business,” Ms. Dannenfelser said. She said that he “has shown decisive leadership, delivering on a key promise to pro-life voters who worked so hard to elect him.”

Two White House officials and two other people briefed on the plans said Thursday that the Trump administration would announce that it was adopting the policy on Friday, a move that they planned to outline for social conservative and religious activists during an early-morning telephone briefing. They all spoke on the condition of anonymity because they were not authorized to discuss the plans.

One Trump official said the rule would give Planned Parenthood and other groups that receive federal family planning money a choice: Disentangle themselves from abortion or lose government funding.

The official said the policy would require “a bright line of physical as well as financial separation” between programs that receive Title X funding and those that perform, support or make referrals for abortions.

A Trump administration official who detailed the coming proposal said it would neither prohibit nor require counseling on abortion.

The policy could prompt legal challenges, as it did soon after the Reagan administration adopted it. Planned Parenthood and other groups filed lawsuits that blocked the rules, and while the Supreme Court decided in 1991 that they could move forward, they were never fully carried out. President Bill Clinton rescinded the policy in 1994.

Mr. Trump has shown ambivalence about Planned Parenthood, sometimes expressing support for its health-related services other than abortion. His daughter Ivanka Trump, a senior adviser, has urged him not to strip funding for the organization, as many Republicans have proposed, warning of the possible political repercussions.

Mr. Trump is set next week to give the keynote speech at the “Campaign for Life” gala held by the Susan B. Anthony List. Ms. Dannenfelser has called Mr. Trump “the most pro-life president in our nation’s history.”

The Trump administration has pressed repeatedly to impose abortion limits. Upon taking office, Mr. Trump signed a presidential memorandum reinstituting and expanding the so-called global gag rule, which bars federal funding for organizations around the world that provide abortion counseling or referrals.

Mr. Trump has also taken particular aim at Planned Parenthood, which serves 41 percent of women who receive federally funded family planning services. He signed legislation last year aimed at cutting off government money from the group and others that perform abortions.

The bill nullified a rule completed in the last days of the Obama administration that effectively banned state and local governments from withholding federal funding for family planning services related to contraception, sexually transmitted infections, fertility, pregnancy care and breast and cervical cancer screening from qualified health providers — regardless of whether they also performed abortions.

Doctors have also expressed alarm at the prospect of such changes to federal family planning rules. In a conference call this month, officials from the American College of Physicians and the American College of Obstetricians and Gynecologists said the policy would harm women’s health.

Dr. Hal Lawrence, the executive vice president and chief executive of American College of Obstetricians and Gynecologists, said during that call, “We don’t need the government interfering in the exam room, and the government should not be interfering in what women can know and what kind of options she should be given.”

Abortion rights advocates also argue that the new rules could result in women not receiving reproductive health care at all, leading to more unintended pregnancies and higher mortality rates. They note that Planned Parenthood and other groups that perform abortions are often the only federally funded health care providers in certain areas of the country, meaning that some women in those places may simply not receive medical care at all under the new policy.

Cecile Richards, the former president of Planned Parenthood, wrote in her memoir published last month that during a meeting in January 2017 with Ms. Trump and her husband, Jared Kushner, who is also a senior adviser to the president, the couple offered her a deal for her organization: Stop providing abortions in exchange for receiving an increase in federal money. Mr. Trump acknowledged a few weeks later that he had pushed for such an agreement.

At the time, Planned Parenthood publicly rejected the proposal out of hand, saying it would never agree to a plan that would compel it to stop offering or advising women about abortions.

## The Washington Post

[https://www.washingtonpost.com/politics/bigger-than-watergate-trump-joins-push-by-allies-to-expose-an-fbi-source/2018/05/17/db211542-59ea-11e8-8836-a4a123c359ab\\_story.html?utm\\_term=.490850c172cd](https://www.washingtonpost.com/politics/bigger-than-watergate-trump-joins-push-by-allies-to-expose-an-fbi-source/2018/05/17/db211542-59ea-11e8-8836-a4a123c359ab_story.html?utm_term=.490850c172cd)

### **‘Bigger Than Watergate’: Trump Joins Push By Allies To Expose Role Of An FBI Source**

By Philip Rucker, Robert Costa, Carol D. Leonnig and Josh Dawsey, 5/17/18

President Trump’s allies are waging an increasingly aggressive campaign to undercut the Russia investigation by exposing the role of a top-secret FBI source. The effort reached new heights Thursday as Trump alleged that an informant had improperly spied on his 2016 campaign and predicted that the ensuing scandal would be “bigger than Watergate!”

The extraordinary push begun by a cadre of Trump boosters on Capitol Hill now has champions across the GOP and throughout conservative media — and, as of Thursday, the first anniversary of Robert S. Mueller III’s appointment as special counsel, bears the imprimatur of the president.

The dispute pits Trump and the Republican chairman of the House Intelligence Committee against the Justice Department and intelligence agencies, whose leaders warn that publicly identifying the confidential source would put lives in danger and imperil other operations.

The stakes are so high that the FBI has been working over the past two weeks to mitigate the potential damage if the source’s identity is revealed, according to several people familiar with the matter. The bureau is taking steps to protect other live investigations that the person has worked on and is trying to lessen any danger to associates if the informant’s identity becomes known, said these people, who spoke on the condition of anonymity to discuss sensitive intelligence operations.

Trump reacted on Twitter on Thursday to recent news reports that there was a top-secret source providing intelligence to the FBI as it began its investigation into Russia’s interference in the election process.

“Wow, word seems to be coming out that the Obama FBI ‘SPIED ON THE TRUMP CAMPAIGN WITH AN EMBEDDED INFORMANT,’ ” Trump tweeted. He added, “If so, this is bigger than Watergate!”

Trump’s attorney, former New York mayor Rudolph W. Giuliani, said in an interview with The Washington Post that the president believes some law enforcement officials have been conspiring against him.



"The prior government did it, but the present government, for some reason I can't figure out, is covering it up," Giuliani said, adding that confirmation of an informant could render the Mueller investigation "completely illegitimate."

Giuliani said Trump believes it is time for the Justice Department to release classified documents about the origin of the Russia probe, requested by House Intelligence Chairman Devin Nunes (R-Calif.), that are expected to contain details about the confidential source.

"It's ridiculous," Giuliani said. "You guys in the press should have them. I don't know why the current attorney general and the current director of the FBI want to protect a bunch of renegades that might amount to 20 people at most within the FBI."

The Post first reported earlier this month that an FBI informant and top-secret, longtime intelligence source had provided information early in the FBI investigation of connections between Russia and the Trump campaign.

A New York Times story published Wednesday about the beginnings of the Russia probe reported that at least one government informant met several times with two former Trump campaign advisers, Carter Page and George Papadopoulos.

"It looks like the Trump campaign in fact may have been surveilled," Kellyanne Conway, Trump's 2016 campaign manager who now is a White House adviser, said Thursday on Fox News Channel. "It looks like there was an informant there. As the president likes to say, we'll see what happens."

FBI Director Christopher A. Wray testified Wednesday before a Senate Appropriations subcommittee that the FBI takes seriously its responsibilities to Congress but said the bureau also has important responsibilities to people who provide information to agents.

"The day that we can't protect human sources is the day the American people start becoming less safe," Wray said. "Human sources in particular who put themselves at great risk to work with us and with our foreign partners have to be able to trust that we're going to protect their identities and in many cases their lives and the lives of their families."

The source is a U.S. citizen who has provided information over the years to both the FBI and the CIA, as The Post previously reported, and aided the Russia investigation both before and after Mueller's appointment in May 2017, according to people familiar with his activities.

Breitbart and other right-wing news websites have been abuzz in recent days with commentary about the source. Sean Hannity, a friend and informal adviser to Trump, speculated about the source on his Fox News show Wednesday night.

Trump's allies believe outing the source and revealing details about his or her work for the FBI could help them challenge the investigation and, potentially, provide cause for removing Mueller or his overseer, Deputy Attorney General Rod J. Rosenstein. They also point to the dossier containing allegations about Trump's connections to Russia, which was partially funded by Hillary Clinton's campaign and was used by the FBI to obtain a search warrant for Page.

"If it were found that the FBI investigation of the Trump campaign was predicated on flimsy facts ginned up by people with a political agenda and used informants to get inside the Trump campaign based on no solid facts, then, yes, I absolutely think it's grounds for dismissing this entire investigation," said Mark Corallo, a former Justice Department official and former spokesman for Trump's legal team.

Trump tweeted Thursday that the Mueller probe was a "disgusting, illegal and unwarranted Witch Hunt," which drew a retort from Senate Minority Leader Charles E. Schumer (D-N.Y.).

"I would say to the president, it's not a 'witch hunt' when 17 Russians have been indicted," Schumer said in a speech on the Senate floor. "It's not a 'witch hunt' when some of the most senior members of the Trump campaign have been

indicted. It's not a 'witch hunt' when Democrats and Republicans agree with the intelligence community that Russia interfered in our election to aid President Trump."

Rep. Mark Meadows (R-N.C.) has been conferring with Trump — in three or more calls a week — communicating concerns that the Justice Department is hiding worrisome information about the elements of the probe, according to people familiar with their discussions.

Meadows declined to discuss his conversations with the president. But he said, "The president has always been consistent in wanting transparency, even when he had no knowledge of what the document might or might not contain, whether it would be good or bad for him."

Nunes, meanwhile, has purposefully not been talking to Trump, to avoid accusations that he is providing sensitive information to the president, according to these people. Instead, Nunes has been relaying the status of his battle with the Justice Department to White House Counsel Donald McGahn.

"What we're trying to figure out are what methods the FBI and DOJ used to investigate and open a counterintelligence investigation into the Trump campaign," Nunes said.

Nunes said he and his colleagues have been troubled by reports and indications that sources may have been repeatedly reaching out to Trump campaign members and even offering aides money to encourage them to meet. The president, he said, has ample reason to be angry and suspicious.

"If you are paying somebody to come talk to my campaign or brush up against my campaign, whatever you call it, I'd be furious," Nunes said.

Nunes redirected his attacks Thursday from Attorney General Jeff Sessions to Rosenstein, telling Sinclair Broadcast Group that the deputy attorney general should be held in contempt of Congress for refusing to comply with his subpoena. Sessions is recused from the matter.

Inside the West Wing, Trump often complains about the Mueller investigation, with episodic bouts that can be "all-encompassing," according to a former senior administration official. Trump often talks with his advisers about ways he can fight back against what he views as an encroaching probe — and he sees allies in Congress as more credible surrogates than his own staff, the official said.

Trump often agrees with Meadows and at times has encouraged him and other allies to go on television news shows and, in the words of a senior administration official, "beat the drums."

White House Chief of Staff John F. Kelly has complained to some colleagues that such conversations between Trump and Meadows and other House allies are not always helpful, according to the former official.

House Speaker Paul D. Ryan (R-Wis.) has told the president on several occasions that he should stop talking about the Russia probe, according to an official familiar with their conversations. "You're not guilty, don't act like it," Ryan would say, and Trump would agree, but then the president would go right back to venting about the investigation, according to this official.

For months, Meadows, Nunes and other GOP lawmakers have criticized Rosenstein for refusing to let Congress see a "scope memo" outlining the people and issues under investigation by Mueller. Some House Republicans in March drafted articles of impeachment against Rosenstein as a "last resort" if he does not provide Congress with more information.

In early May, Nunes pushed the Justice Department for more information about the source, but top White House officials, with the assent of Trump, agreed to back the department's decision to withhold the information. They were

persuaded that turning over Justice Department documents could risk lives by potentially exposing the source, according to multiple people familiar with the discussion and the person's role.

Former White House chief strategist Stephen K. Bannon is functioning as an informal adviser to the Trump allies, both inside and outside the administration, who are leading the charge against the Justice Department, according to three people involved in those discussions.

Working from his Capitol Hill townhouse, Bannon has conferred with Meadows, former Trump campaign manager Corey Lewandowski and former Trump deputy campaign manager David Bossie, among others, about how to bolster support for Trump allies in Congress who are calling for more document disclosures, the people said.

These people said the Bannon-advised group sees itself as a bulwark for the embattled president and said there were growing tensions between them and Kelly and McGahn, whom the group sees as not doing enough to force the hand of top Justice officials.

Kelly met with Meadows and Rep. Jim Jordan (R-Ohio) a few weeks ago and suggested they give Justice officials more time to comply with their request. But Meadows and Jordan did not back off, a senior administration official said.

"The president is frustrated," Jordan said. "I don't blame him for being frustrated."

## TRUMP TWEETS



**Donald J. Trump** @realDonaldTrump · 3h

Fake News Media had me calling Immigrants, or Illegal Immigrants, "Animals." Wrong! They were begrudgingly forced to withdraw their stories. I referred to MS 13 Gang Members as "Animals," a big difference - and so true. Fake News got it purposely wrong, as usual!

12K 18K 65K

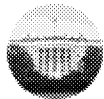


**Donald J. Trump** @realDonaldTrump · 3h

"Apparently the DOJ put a Spy in the Trump Campaign. This has never been done before and by any means necessary, they are out to frame Donald Trump for crimes he didn't commit." David Asman @LouDobbs @GreggJarrett Really bad stuff!

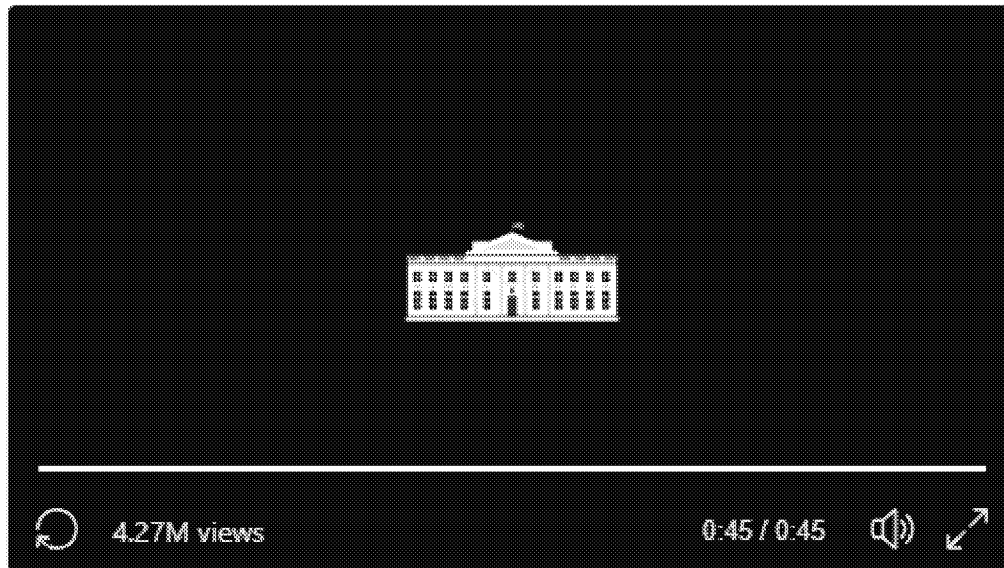
10K 11K 36K

Donald J. Trump Retweeted

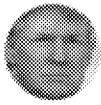


**The White House** @WhiteHouse · 14h

#Laurel? #Yanny? Or...

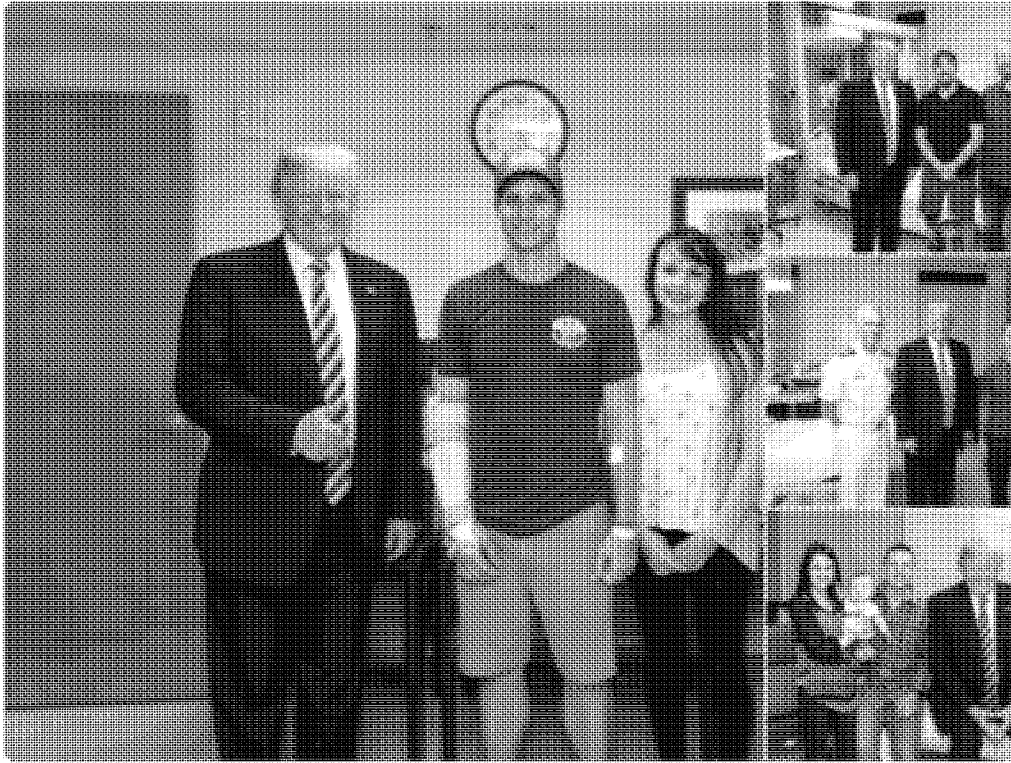


13K 26K 78K



**Donald J. Trump** ● @realDonaldTrump · 15h

It was my great honor to visit with our HEROES last night at Walter Reed Medical Center. There is nobody like them!



💬 5.4K 🔄 11K ❤️ 54K ✉️



**Donald J. Trump** ● @realDonaldTrump · 15h

Tomorrow, the House will vote on a strong Farm Bill, which includes work requirements. We must support our Nation's great farmers!

💬 5.9K 🔄 12K ❤️ 58K ✉️



**Donald J. Trump** ● @realDonaldTrump · 16h

Great talk with my friend President Mauricio Macri of Argentina this week. He is doing such a good job for Argentina. I support his vision for transforming his country's economy and unleashing its potential!

💬 5.7K 🔄 14K ❤️ 65K ✉️

**Michael Abboud**

U.S. Environmental Protection Agency

Office of Public Affairs

M: 202-564-6461

**From:** POLITICO Pro Energy [politicoemail@politicopro.com]  
**Sent:** 6/6/2018 9:46:19 AM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** Morning Energy: RFS changes on hold — House set for WRDA action — Get ready for the royalties rumble

By Kelsey Tamborrino | 06/06/2018 05:45 AM EDT

*With help from Ben Lefebvre, Emily Holden, Anthony Adragna, Annie Snider and Sarah Ferris*

**ASSUME DEAL DEAD:** Sen. Joni Ernst's decision to lay into embattled EPA Administrator Scott Pruitt over his alleged about-face on ethanol appears to have paid off. Ernst spoke to President Donald Trump Tuesday night, she wrote on Twitter, and he "just assured me he 'won't sign a deal that's bad for farmers!' Thank you, Mr. President!" Ernst's tweet came at the end of a day that began with her suggesting Trump may have cause to fire his embattled EPA chief, calling Pruitt "as swampy as you get." It appeared to represent another victory for the farm team in the long-running corn-versus-oil showdown over the Renewable Fuel Standard. The White House had been preparing to unveil an RFS deal that would have expanded sales of E15 and reallocated some blending obligations EPA had waived, while also allowing biofuels exports to count toward compliance with the program in order to bring down compliance costs for refiners.

**A source familiar with deliberations** told Pro's Eric Wolff the White House delayed the announcement after Ernst and fellow Iowan Chuck Grassley opposed the news that compliance credits for exported ethanol would be included. "Pres Trump helped farmers by rejecting bad ethanol deal. I appreciate. GREAT NEWS," Grassley wrote in his own tweet Tuesday night. Read more.

**WRDA HITS THE FLOOR:** The House will meet today to consider H.R. 8 (115), the "Water Resources Development Act of 2018" — the first major infrastructure legislation to move under Trump, though it lacks some of the big-ticket items Trump had initially unveiled in February. Still, the White House said it backs the measure in a Statement of Administration Policy from the president's advisers, who say they would recommend he sign the bill, although they expressed reservations about the number of new projects and studies it authorizes, Pro's Annie Snider reports.

**Smooth sailing:** The House Rules Committee last night approved 52 largely parochial amendments for floor consideration, eschewing amendments that could have turned the bipartisan measure into a political brawl, including ones relating to the Waters of the U.S. rule, guns at Army Corps recreational sites and Clean Water Act permit requirements for pesticide spraying.

**Key vote it:** The National Association of Manufacturers has named the measure a key vote, arguing in a letter to lawmakers Tuesday that keeping Congress to the two-year authorization cycle ensures "certainty for manufacturers who rely on the movement of goods through ports and inland waterways."

**IT'S WEDNESDAY!** I'm your host Kelsey Tamborrino, and NRDC's Denis Dison was the first to correctly guess that South Dakota shares no letters in common with its capital city of Pierre. For today: Who is the only president to have not been a resident of the U.S. when he died? Send your tips, energy gossip and comments to ktamborrino@politico.com or follow us on Twitter @kelseytam, @Morning\_Energy and @POLITICOPro.

**Register for the Pro Summit:** Join Pro subscribers, expert reporters and key decision-makers from the executive branch, federal agencies and Congress for a full day of incisive policy conversations on July 17.

Speakers include: Rep. Joe Crowley (D-N.Y.), Chairman, House Democratic Caucus, Kevin McAleenan, Commissioner, U.S. Customs and Border Patrol, and others. [Register today.](#)

Join the **Global Public Affairs Club**, a new global community dedicated to **C-level public affairs professionals** launched by POLITICO's sister company, DII. Members receive the **GPAC weekly newsletter**, including original reporting and analysis on **new transparency standards, recent lobbying regulation, risk management and industry best practices**. In addition, members have access to the **Global Public Affairs Forum on Sept. 28 in Paris**. For additional information on GPAC, email Chloé Mimault-Talagrand at [cmimault@dii.eu](mailto:cmimault@dii.eu).

**IN THE CLEAR:** The Office of Special Counsel said Interior Secretary Ryan Zinke's speech before a donor's hockey team, the Las Vegas Golden Knights, did not break laws barring federal employees from engaging in partisan activity, according to a letter closing the investigation. The OSC investigation did not address Zinke's travel but found the June 2017 speech did not violate the Hatch Act, which bars the use of government resources to advance political causes, [Pro's Ben Lefebvre reports](#). "There is no evidence or allegation ... that Secretary Zinke gave a political speech or otherwise engaged in political activity during this event," OSC Deputy Chief Erica Hamrick wrote in the letter obtained by POLITICO. "And the fact that the team is owned by a political donor is not enough for OSC to conclude that he engaged in prohibited political activity in violation of the Hatch Act."

**READY FOR ROYALTIES RUMBLE:** Interior's Royalty Policy Committee is set to push measures that would expand energy production and cut back environmental review at its [meeting in New Mexico](#) today. Its [wish list](#) includes reducing royalty rates for old or "challenging" oil and gas wells; instructing BLM to batch-approve environmental reviews for certain energy projects; expanding offshore lease sales to U.S. territories; and replacing BLM standards for measuring how much oil and gas companies produce with those written by trade associations API and GFA. The commission also recommends Interior hold lease sales for at least 2 gigawatts of offshore wind projects annually, starting in 2024. The meeting starts at 9 a.m. at Sheraton Albuquerque Airport Hotel, or watch it [here](#).

**EXELON CEO: NO GRID EMERGENCY HERE:** The CEO of the largest nuclear generator in the country said Tuesday he would prefer the White House did not pursue a [bailout](#) for nuclear and coal plants that hinged on emergency cost recovery — even if his company would benefit significantly from the plan. In an interview with Utility Dive, Exelon CEO Chris Crane said the company would "much prefer a market fix that is based off of a design basis that says, 'Here's your vulnerability and here's what plants should be compensated at.'" Crane also said he disagrees with the argument that retiring "fuel secure" coal and nuclear generators constitutes a grid emergency and a threat to national security. "It's hard to declare an emergency in PJM when you have a high reserve margin," he said. Read it [here](#).

**LOAD UP THE MINIBUS:** The energy and water spending bill is making its way to the House floor as part of an appropriations package. The so-called minibus, [H.R. 5895 \(115\)](#), also includes legislative branch and military construction-VA spending. The Rules Committee approved amendments to the energy and water title Tuesday night and will meet again this afternoon to consider [amendments](#) to the rest of the bill.

**Keep a look out:** Some amendments worth watching:

— **Yucca Mountain:** Two amendments from Nevada Democrats would strip \$190 million from the bill that would go toward the licensing process for Yucca Mountain and eliminate language that would bar the nuclear waste repository's closure,

— **ARPA-E:** An amendment from Rep. [Paul Gosar](#) would eliminate the entire program, as the Trump administration proposed in its budget request,

— **Selling off federal power assets:** A bipartisan measure would bar the federal government from selling off the Bonneville Power, Administration, the Southwestern Power Administration, the Western Area Power Administration or the Tennessee Valley Authority,

— **Cybersecurity:** An amendment from Rep. Darren Michael Soto would provide an addition \$1 million for DOE's cybersecurity efforts.

**WHAT WAS THAT ABOUT?** Speaker Paul Ryan and Rep. John Shimkus apparently got into a shouting match on the House floor Tuesday night over nuclear waste, according to HuffPo's Matt Fuller. Details were sparse, and aides to the two lawmakers didn't respond to ME's requests for comment.

**HOUSE INTERIOR-EPA BILL GETS ITS DAY:** The House Appropriations Committee will hold a rescheduled markup of its fiscal year 2019 Interior-EPA spending package today. The \$35.25 billion package cleared the House appropriations subcommittee in mid-May on a voice vote, while Democrats at the time expressed displeasure about a \$100 million cut to EPA's budget, as well as various policy riders. **If you go:** The markup will begin at 11 a.m. 2167 Rayburn. Watch it here.

**INTERESTING NUGGET:** After Pruitt tried to set his wife up with a Chick-fil-A franchise and successfully landed her a \$2,000 gig organizing the New York nonprofit Concordia's annual summit where he was a speaker, he also agreed to a meeting brokered by the group's boss. Concordia chief executive Matthew Swift, who told The Washington Post he paid for Marlyn Pruitt's work and travel expenses, met personally with Pruitt the week after the event in September, according to EPA records. And then he asked scheduler Millan Hupp to set up a meeting with Nate Morris, a friend and CEO of Rubicon Global, a Georgia-based waste and recycling company, according to emails obtained by the Sierra Club.

"As discussed, I think it would be great for Nate and the Administrator [to] get together and Nate would be happy to come to Washington to meet," Swift wrote in an email introducing Morris to Hupp, adding that "Millan is a good friend and I have gotten to know her and the Administrator over the last few years." EPA records show Pruitt attended that meeting with Rubicon on Oct. 18. Pruitt also met again with Concordia in February. Asked whether EPA leaders had ethics officials review the arrangements and what the meetings were about, spokesman Jahan Wilcox said, "EPA declines to comment."

**Pruitt also planned a number of undisclosed meetings** while at the September summit, according to EPA staff emails. Among others, Pruitt met with financier T. Boone Pickens and Andrew Littlefair, co-founders of natural gas transportation company Clean Energy, and Concordia leadership council members George Logothetis, a Greek shipping magnate; José María Aznar, a former Spanish prime minister; and John Negroponte, former U.S. deputy secretary of State and director of national intelligence. Pruitt's Outlook calendar also shows an off-the-record coffee with New York Times reporter Maggie Haberman.

**PICTURES OF WHO?** Newly released emails obtained by the Sierra Club show Pruitt's staff working hard to obtain pictures of Daniel Boone and Winston Churchill to display, but getting rebuffed from by the Smithsonian. "We have been bombarded with requests from the new administration for portraits and after discussing with the curators have decided to limit the number of objects on loan to any 'high-ranking government official' to two," Beth Isaacson, an exhibition assistant to the Smithsonian, wrote in June 2017 after multiple EPA inquiries. That led Ryan Jackson, Pruitt's chief of staff, to see if the Gilcrease Museum in Tulsa, Okla. had paintings that might work in Pruitt's office.

**ADD THIS ONE TO THE LIST:** The ranking member of the Senate Appropriations Interior-Environment Subcommittee said Tuesday that the Government Accountability Office has agreed to investigate this tweet from EPA that may have violated the statutory prohibition on the use of agency funds for publicity. Tom Udall had requested the investigation in a letter to GAO on May 15.



**YOU JUST KEEP ME HANGING ON:** How does Pruitt keep defying the Washington furies, where lesser mortals have failed? Jack Shafer asks in an opinion piece for POLITICO Magazine. The answer, Shafer writes, lies in Pruitt's swagger. "Trump is the sort of coach who loves having a player like Pruitt who will give the bird to the other side with one middle finger and gouge them in the eye with the other," he writes. Read it [here](#).

**BILLS, BILLS, BILLS:** The House Natural Resources Committee is set to take up a slate of bills today — including a morning [markup](#) on bills from each member of the Utah delegation. Later this afternoon, the Energy and Mineral Resources Subcommittee will hold a [hearing](#) on four draft onshore energy bills. New Mexico Gov. Susana Martinez and Katharine MacGregor, deputy assistant secretary for Land and Minerals Management at Interior, are among the officials who will testify. More on the draft bills [here](#).

**BISHOP EYES GRID HEARING FOR PUERTO RICO:** The House Natural Resources Committee will hold a hearing this summer on Puerto Rico's fitful recovery from hurricanes Maria and Irma focused on the U.S. territory's troubled electrical grid, Pro's Colin Wilhelm [reports](#). "We need to look at what the federal government needs to do to ensure that we will have abundant energy provided for the people of Puerto Rico," Chairman [Rob Bishop](#) said, adding he hopes to hold the energy-focused hearing before July 4.

— **Separately, Trump will visit** FEMA headquarters today and will attend the 2018 hurricane briefing.

**WHITE HOUSE CANCELS SOME CUTS:** In a [17-page letter](#) to Congress, the Trump administration proposed a handful of tweaks to its rescissions package on Tuesday, Pro's Sarah Ferris reports. The changes, which are intended to shore up support in the House, would preserve hundreds of millions of dollars set aside to help communities with long-term recovery from Hurricane Sandy and would also cancel cutbacks to a management account within EPA. Read [more](#).

**Change of heart:** Rep. [Mike Simpson](#), who had been a "no" on the package, now seems to be on board. "I wanted to see the impact of some of the rescissions before just signing onto them. But I've looked at them and I think most of them are going to be OK," he said.

**EPA DOES SOME REMODELING:** EPA reached a [settlement](#) with Magnolia Homes — the company at the center of HGTV's "Fixer Upper" and owned by hosts Chip and Joanna Gaines — over alleged violations of rules on the handling of lead paint during an episode of the show. Under the settlement, Magnolia will pay a civil penalty of \$40,000 and will take steps to ensure compliance with lead-based paint regulations, as well as educate the public on the law, all of which came after EPA reviewed footage from the show that suggested Magnolia was not practicing proper lead-safe work practices.

**MOVER, SHAKER:** Lynn Good, Duke Energy's chairman, president and CEO, has been elected chairman of the board of the Edison Electric Institute, the association announced at its convention in San Diego. EEI also announced two vice chairmen: Chris Crane, president and CEO of Exelon Corporation; and Ben Fowke, chairman, president and CEO of Xcel Energy.

## QUICK HITS

— Plan emerging from Forest Service could undo Tongass logging limits, [Anchorage Daily News](#).

— Trump's coal plan finds critics inside the West Wing, [E&E News](#).

— There's a chance Trump's power bailout actually cuts emissions, [Bloomberg](#).

— In the Northeast, just a few hundred miles separate record wet and dry, [The Washington Post](#).

— "Economy crippling" and "third grade" work: Conservatives pan Trump's move to save failing coal and nuclear plants, [CNBC](#).

— After sexual harassment problems, new Forest Service chief mandates training, [ABC News](#).

## HAPPENING TODAY

9:00 a.m. — The Interior Department's Royalty Policy Committee [meets](#), Albuquerque, N.M.

9:00 a.m. — KPMG holds [2018 Global Energy Conference](#), Houston

9:30 a.m. — The Congressional Hispanic Caucus news conference to discuss Hurricane Maria mortality numbers and the recovery effort in Puerto Rico, House Triangle

10:00 a.m. — The Woodrow Wilson Center's Science and Technology Innovation Program [forum](#) on "Transatlantic Research Cooperation to Treasure and Protect the Atlantic Ocean," 1300 Pennsylvania Avenue NW

10:15 a.m. — House Natural Resources Committee [markup](#) of various bills from Utah delegation, 1324 Longworth

11:00 a.m. — House Appropriations Committee [markup](#) on fiscal year 2019 Interior-EPA spending package, 2167 Rayburn

12:00 p.m. — Breast Cancer Prevention Partners [congressional luncheon briefing](#) on "State of the Evidence: The Connection Between Breast Cancer and the Environment," 385 Russell

2:00 p.m. — House Natural Resources Committee [hearing](#) on onshore energy development bills, 1324 Longworth

2:00 p.m. — House Oversight National Security Subcommittee [hearing](#) on "Protecting America from a Bad Deal: Ending U.S. Participation in the Nuclear Agreement with Iran," 2154 Rayburn

2:30 p.m. — Senate Indian Affairs committee [meeting on nomination](#) of Tara Mac Lean Sweeney to be assistant interior secretary for Indian Affairs, 628 Dirksen

3:00 p.m. — House Rules Committee [meets to consider](#) amendments for [H.R. 5895 \(115\)](#), the fiscal 2019 Military Construction-VA, Energy-Water and Legislative Branch spending minibuss, H-313

## THAT'S ALL FOR ME!

*To view online:*

<https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/rfs-changes-on-hold-243068>

## Stories from POLITICO Pro

**Pruitt 'is about as swampy as you get,' Republican senator says** [Back](#)

By Eric Wolff | 06/05/2018 12:27 PM EDT

Iowa Republican Sen. Joni Ernst says President Donald Trump would be justified in firing EPA Administrator Scott Pruitt, who she accused of lying about his policy views and misusing his office.

Pruitt "is about as swampy as you get here in Washington, D.C. And if the president wants to drain the swamp, he needs to take a look at his own Cabinet," Ernst said Tuesday at an energy policy forum in Washington. She stressed that she was speaking for herself and that it is up to Trump to decide whether to keep Pruitt on board.

Ernst, a strong supporter of the ethanol industry, said Pruitt lied to her and other senators last year when he promised to uphold the Renewable Fuel Standard, and hammered him for more recent ethical lapses over "the way he spends money, the way he misuses his office." She accused Pruitt of breaking Trump's promise to farmers at a time when commodity prices are down and a confrontational approach to trade is hurting exports.

The White House is expected to soon announce a deal that would expand sales of 15 percent ethanol fuel, which corn-state lawmakers have sought for years, but allow ethanol exports to count for compliance with the RFS, something ethanol supporters say would undermine the program. Ernst said she lifted her hold on Bill Wehrum's confirmation as EPA's air chief last year only after Pruitt promised to abandon export compliance, and she accused Pruitt of breaking his word.

"Administrator Pruitt put in writing he intended to uphold the congressional intent of the RFS and he has not done that," she said. "He also put into writing that the scheme to attach [Renewable Identification Numbers] for exported ethanol would stop and that's a lie, because now that's exactly what he proposed."

Iowa's senior Republican Sen. Chuck Grassley has said in the past that he would call on Pruitt to resign if he didn't like the look of the White House changes to the program. Ernst did not call for Pruitt to step down in her remarks at a Platts Energy Podium discussion Tuesday.

Grassley said in separate remarks that he was concerned at the level of influence the oil industry seems to have had over the emerging RFS deal.

"I would have to wait until this is finalized to make it clear but I think that the chances for Congress overcoming what EPA could do to damage the ethanol industry would be very difficult when you stop to think of this being very much driven by Big Oil," Grassley said in a call with reporters Tuesday. "Seems like this iron triangle is working its will through the Washington swamp. You know how Big Oil has had Washington wired for a long time and I think EPA is part of this Washington swamp delivering this blow to ethanol if it occurs."

Ernst said she would not place any blanket hold over Trump nominees to protest the biofuels deal, but she said she may vote in committee against individuals tapped for EPA posts if they refuse to support the program. She also said she doesn't expect RFS-related provisions to appear in the farm bill. Both she and Grassley appeared ready to accept whatever Trump orders.

"When it comes to accepting it, I don't think there's much of a choice anymore," Ernst said. "Whatever agreement comes out between administrator and secretary of Ag, I don't know what we can do at this point."

*Liz Crampton contributed to this report.*

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## **Senators: Biofuel program changes nixed by White House [Back](#)**

By Eric Wolff | 06/05/2018 09:06 PM EDT

The White House has delayed a package of changes to the Renewable Fuel Standard, according to Iowa GOP Sens. [Joni Ernst](#) and [Chuck Grassley](#).

Ernst [said](#) on Twitter that she spoke to President Donald Trump, who "just assured me he 'won't sign a deal that's bad for farmers!' Thank you, Mr. President!"

Grassley also [tweeted](#) tonight, saying, "Pres Trump helped farmers by rejecting bad ethanol deal. I appreciate. GREAT NEWS."

Biofuel and refining industry sources said a package that included year-round sales of 15 percent ethanol fuel, compliance credits for exported ethanol and some reallocation of the small refiners' ethanol volumes had been set to be released on Monday.

Another source familiar with the deliberations said the White House delayed the announcement after Grassley and Ernst opposed the plan to give credits to ethanol exports. Ethanol producers have been fuming over EPA's expanded use of exemptions for small refiners, and they argued that adding over 1 billion credits for ethanol shipped abroad would only exacerbate problems.

Grassley threatened to call for Administrator Scott Pruitt's resignation if the package went forward, and Ernst slammed the EPA chief earlier today as "as swampy as you get."

The proposed deal had stemmed from the negotiations between the White House, the Agriculture Department, and EPA ordered by Trump after a May 8 meeting.

*Emily Holden contributed to this alert.*

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## **Trump's latest strike against regulations: His infrastructure plan [Back](#)**

By Annie Snider and Anthony Adragna | 02/16/2018 05:01 AM EDT

President Donald Trump's infrastructure plan would trigger one of the most significant regulation rollbacks in decades, benefiting not just roads and bridges, but businesses ranging from coal mines to homebuilders to factories.

The blueprint the White House released this week would eliminate the Environmental Protection Agency's authority to veto the Army Corps of Engineers' wetlands permits, a power that the EPA wielded during the Obama administration to block a controversial mountaintop coal mine in West Virginia. Industrial facilities like coal plants and steel factories could get 15-year Clean Water Act pollution permits — up from five years — that would be automatically renewed. For some infrastructure permits, the deadline for opponents to file legal challenges would shrink from six years to 150 days.

The proposed revisions to some of the nation's bedrock environmental regulations are drawing heavy criticism from congressional Democrats — including in the Senate, where Republicans would need at least nine extra votes to enact Trump's plan. Environmental groups say the ambition of the plan's deregulation push contrasts with the relatively meager amount of federal money the White House is proposing to contribute toward the \$1.5 trillion total.

"This isn't an infrastructure package," said Melissa Samet, an attorney with the National Wildlife Federation. "This is an all-out attack on longstanding environmental protections that have done a lot of good for this country."

Republicans and business groups have long complained that the federal government's often cumbersome permitting process, governed by laws Congress enacted decades ago, creates unnecessary delays for projects. "We built the Empire State Building in just one year," Trump said in his State of the Union address last month. "Is it not a disgrace that it can now take 10 years just to get a permit approved for a simple road?"

Supporters of Trump's plan are happy the White House is pushing for changes.

"We're very pleased with the permitting provisions," said Ross Eisenberg, a vice president at the National Association of Manufacturers. "Even some of them being signed law would be a major improvement. We don't want to blow up the process. We just want it to go faster."

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) said he hopes Democrats will come around.

"You're never going to win over every obstructing Democrat, but they've got to realize that projects have been slowed down in their states," Barrasso said.

But Democrats say the nation's real infrastructure problem is money — and the Trump proposal calls for just \$200 billion in federal investments over the next decade for needs including roads, bridges, airports, water plants, veterans' hospitals and rural broadband service. And they questioned whether Trump's aim is really just to make regulatory reviews more efficient.

"The president's contentions are not to streamline a process, but to compromise needed environmental and public health issues," Sen. Ben Cardin (D-Md.) told reporters.

Some kind of environmental streamlining has been a part of most of the major infrastructure measures Congress has passed in recent years. Provisions in the 2012 highway bill and a 2014 water bill aimed to get agencies to coordinate their permit reviews more efficiently and impose consequences for delays.

Supporters of those changes included then-Sen. Barbara Boxer (D-Calif.), an environmental stalwart, who argued that the streamlining amounted to common sense despite the opposition of some environmentalists. Many of those provisions have yet to take effect, however.

Trump's infrastructure proposal would go much further, setting strict deadlines for reviews and curtailing EPA's say over projects.

For instance, Trump has touted the proposal's two-year limit for agencies to issue final permitting decisions, including a strict 21-month limit on analyses done under the National Environmental Policy Act of 1970, one of the nation's foundational environmental laws.

The law requires federal agencies to make a public estimate of the environmental impacts when the federal government spends money or makes a permitting decision, although nothing in the law requires agencies to limit environmental damage. Repeated environmental studies under NEPA were one factor that contributed to the Obama administration's nearly seven-year review of the Keystone XL oil pipeline, a project Trump has pushed to revive this year.

Under Trump's proposal, agencies would be required to complete environmental reviews in no more than 21 months. Anyone seeking to challenge the permits would have just 150 days to sue, instead of the current six years.

Industry groups argue the act's long statute of limitations for permit challenges leaves a cloud of uncertainty over projects. But Samet, the National Wildlife Federation attorney, said 150 days runs by quickly when challengers have to track down documents that regularly run hundreds of pages, decipher them, find experts to analyze the data, hire lawyers and scrounge up the money to cover legal costs.

The result, she said: "Bad projects will move forward. There'll be nothing to stop them."

Trump's plan would also deliver on a long-sought Republican goal of curbing EPA's authority under the Clean Water Act's wetlands program — a change that would have sweeping effects not just for infrastructure projects but for nearly any kind of development.

The blueprint would remove EPA's authority to oversee the Army Corps of Engineers' determinations about which streams and wetlands are subject to Clean Water Act protections. And it would take away the EPA's ability to veto dredge-and-fill permits that it decides would cause undue harm to the environment.

EPA has used that veto authority only 13 times since the Clean Water Act was enacted, including with its 2012 reversal of a Army Corps permit for the Mingo Logan mountaintop coal mine in West Virginia — a decision that angered the coal industry's supporters in Congress. Most of the other occasions when it used that power came during Republican administrations.

Trump's proposal would also extend pollution discharge permits under the Clean Water Act from five years to 15, and allow them to be automatically renewed as long as "water quality needs do not require more stringent permit limits." Those changes that would apply not only to municipal wastewater treatment plants but also to industrial facilities.

The plan also calls for eliminating a section of the Clean Air Act that requires EPA to review, comment on and rate other agencies' environmental impact statements.

While the proposal may allow construction on projects to get started faster, it might end up creating bigger problems in the end, argued Kym Hunter, an attorney with the Southern Environmental Law Center. She said a narrower NEPA review wouldn't just keep potential environmental problems from coming to light, but it would also keep the public in the dark about whether a project would live up to its promises.

"NEPA is about taking that hard look," Hunter argued. "When it was promulgated in 1970, the idea was if you think about what you are doing you're likely to make a better decision. This [Trump proposal] would just encourage agencies to rush forward without being thoughtful, without being careful."

Trump's plan also attempts to limit the ability of courts to halt work on projects while lawsuits proceed. But that could backfire too, Hunter said, if it keeps courts from halting an ill-conceived project until after a government body has started spending money and taking on debt.

Sen. Tom Carper of Delaware, the top Democrat on the Environment and Public Works Committee, didn't dismiss the idea of making updates to the decade-old laws. But if the administration's goal is to weaken environmental regulations, he said, "we're not going to get very far."

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## **White House backs House WRDA bill [Back](#)**

By Annie Snider | 06/05/2018 05:53 PM EDT

The White House is supporting the House's Water Resources Development Act, the first major infrastructure legislation to move through Congress under President Donald Trump.

In a [Statement of Administration Policy](#), the president's advisers said they would recommend he sign [H.R. 8 \(115\)](#), although they called out areas where they said they would like to see changes. For instance, they took issue with the six new construction projects and 12 new studies the measure would authorize — numbers that are likely to grow before the bill could be signed into law as the Army Corps of Engineers continues to complete project reviews. Both the House and Senate WRDA bills authorize all projects that receive favorable reports from the Chief of Engineers.

"Given the large number of authorized projects that have not been started or completed, new project and study authorizations should be limited to those most likely to provide high economic or environmental returns," the administration statement says.

The White House also said it was happy that lawmakers removed language from the WRDA bill that would have mandated additional spending from the Harbor Maintenance Trust Fund go toward infrastructure projects, a source of perennial debate between authorizers and appropriators.

Reiterating its proposal to reduce the tax collected for the fund, the White House said it "believes that our coastal ports should have greater flexibility to finance more of their capital and operating costs on their own."

**WHAT'S NEXT:** The House Rules Committee is meeting this evening to set the terms of Wednesday's floor debate over the measure.

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## **Investigation clears Zinke speech to donor's hockey team [Back](#)**

By Ben Lefebvre | 06/05/2018 07:05 PM EDT

A government watchdog found that Interior Secretary Ryan Zinke did not violate federal laws barring federal employees from engaging in partisan activity while on official duty when he spoke to a donor's hockey team or on other trips that mixed political and official business, according to a letter closing its investigation.

The Office of Special Counsel's findings on Zinke's speech before the Las Vegas Golden Knights end one of the several investigations into actions during his first year as a member of President Donald Trump's Cabinet. The Interior Department's inspector general in April finished its own investigation into the Las Vegas trip, finding that department ethics officials may not have signed off on a \$12,000 charter flight to Montana following the speech if Zinke had disclosed his pre-existing relationship with team owner Bill Foley, who gave thousands to Zinke's past congressional campaigns.

The OSC investigation did not address Zinke's travel but found the June 2017 speech did not violate the Hatch Act, which bars the use of government resources to advance political causes.

"There is no evidence or allegation ... that Secretary Zinke gave a political speech or otherwise engaged in political activity during this event," OSC Deputy Chief Erica Hamrick wrote in the letter obtained by POLITICO. "And the fact that the team is owned by a political donor is not enough for OSC to conclude that he engaged in prohibited political activity in violation of the Hatch Act."

OSC opened its investigation in response to a complaint from the nonprofit watchdog group Campaign For Accountability. The OSC letter was first reported by the Associated Press.

Campaign For Accountability Executive Director Daniel Stevens said OSC's report does not mean Zinke's Vegas trip was appropriate.

"Though the Office of Special Counsel may have cleared Sec. Zinke of any technical violation, it's still rather obvious why he gave the speech to the hockey team," Stevens said in an email to POLITICO. "The truth is, Sec. Zinke charged taxpayers more than \$12,000 for a charter flight so that he could give a speech to the employees of one of his top campaign donors. Sec. Zinke clearly gave the speech with his political future in mind, despite his excuses."

Interior's inspector general's office in April said Zinke had not told department ethics officials that Foley had been one of the largest donors to Zinke's congressional campaign and that his speech to the team would not include mentions of the Interior Department. The ethics officials may not have signed off on Zinke using the charter flight after the speech if Zinke had disclosed that information, the IG report said.

Several other trips also were Hatch Act compliant because Interior sought reimbursement for Zinke's time when necessary, according to OSC.

"OSC reviewed the seven mixed official/political trips Secretary Zinke took through October 2017 and found no evidence that he violated the Hatch Act when he participated in the trips," Hamrick wrote, although she did not specify to what trips she was referring.

Zinke participated in political events during official Interior trips to the Virgin Islands, California, Montana and other places last year.

In a second letter, the OSC said Zinke's Virgin Islands trip did not violate the Hatch Act because an invitation to a fundraiser where he appeared did not use his official title, nor did it specify that high-dollar donors would be able to take a photo with him.

"Your activity did not violate the Hatch Act because you were not the impetus for those higher contributions," Hamrick wrote in the second letter.

An Interior spokeswoman told the wire service "the secretary always works with career ethics professionals and has followed all laws, rules and regulations related to his travel." OSC declined to comment.



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## **Trump calls for coal, nuclear power plant bailout [Back](#)**

By Eric Wolff | 06/01/2018 02:29 PM EDT

President Donald Trump pressed for a quick regulatory bailout for struggling coal power plants on Friday — a move that would buoy a mining industry that offered him crucial support in 2016, but is riling other energy companies and even some free-market conservatives.

The White House called on Energy Secretary Rick Perry to take immediate steps to keep both coal and nuclear power plants running, backing Perry's claim that plant closures threaten national security. An administration strategy to do that laid out in a memo to the National Security Council circulated widely among industry groups on Friday, but it was not clear that intervention could survive the inevitable political and legal challenges.

It was the latest step in more than a year of efforts by the administration to compel power companies to keep operating the money-losing plants that are suffering from the rise of competing energy sources like natural gas. Those proposals have drawn opposition from most utilities, along with environmentalists, gas producers, power grid operators and conservatives who say it would be an unwarranted intrusion to the energy markets.

The White House statement calling for action came after days of Trump making similarly aggressive moves on international trade, slapping tariffs on the European Union, Canada and Mexico to protect U.S. industries like aluminum and steel. In this case, the president is acting on behalf of what he likes to call "beautiful, clean coal," a once-dominant fuel that still plays a major role in his stump speeches.

Trump "has directed Secretary of Energy Rick Perry to prepare immediate steps to stop the loss of these resources," White House press secretary Sarah Huckabee Sanders said in a statement Friday, referring to coal and nuclear plants.

She added that Trump believes "keeping America's energy grid and infrastructure strong and secure protects our national security... Unfortunately, impending retirements of fuel-secure power facilities are leading to a rapid depletion of a critical part of our nation's energy mix, and impacting the resilience of our power grid."

The statement came five months after federal energy regulators rejected Perry's call that they adopt his proposal to keep the struggling coal and nuclear power plants operating. That proposal would have overwhelmingly benefited mining magnate Bob Murray, an outspoken Trump supporter whose operations supply coal to several endangered plants in the Midwest and Northeast, according to a POLITICO analysis.

Trump's National Security Council gathered Friday to discuss the draft memo that lays out arguments why the administration should use federal authority to keep the money-losing power plants open — despite the assurances from some of the nation's grid operators that no such emergency exists.

"Any federal intervention in the market to order customers to buy electricity from specific power plants would be damaging to the markets and therefore costly to consumers," said the PJM Interconnection, which operates the nation's largest power grid and stretches from the Midwest the Atlantic Coast, in a statement. "There is no need for any such drastic action."

A broad swath of trade associations representing oil and gas, wind and solar power, consumer groups and advanced energy technologies slammed the plan, and they were joined by some congressional Democrats.

"This would be an egregious abuse of power," Sen. Ron Wyden (D-Ore.) said in a statement. "I fought this proposal before, and I will continue to fight this corrupt scheme to prop up the coal industry at the expense of American consumers."

That new 41-page memo, first revealed by Bloomberg News on Thursday evening, says that under the 2015 highway and transit bill known as the FAST Act, DOE must identify critical energy infrastructure, a process the agency is undertaking now with the help of its national labs. But because that is likely to take two years, DOE in the meantime should use the 1950 Defense Production Act and the Federal Power Act to require the plants to keep operating, the memo says.

Power sector experts have said using the two laws to keep specific plants operating would stretch both those measures, and would certainly trigger a major legal fight. Critics of the administration's strategy said the memo appears to signal that the White House is preparing for a fight.

"One way to view the release of this draft is that it is a trial balloon to see how fierce and fast the opposition will be," said Dena Wiggins, CEO of the industry lobby group Natural Gas Supply Association, which opposes the DOE plan. "We've known for some time that all of these federal authorities ... were in play, so the fact that we've now seen it in writing doesn't really change anything. It does, however, underscore how hard it is to cobble together a sound legal rationale to bail out otherwise uneconomic coal and nuclear plants."

And critics say the push to bail out the plants is simply Trump's effort to reward backers like Murray, the coal baron, and live up to his campaign promise to revive coal country. Perry first began work on the power plant issue in March 2017, when he met with Murray at DOE, and Trump himself personally directed Perry to take action on the issue since last summer.

Murray's coal mines have been a major supplier for power plants owned by FirstEnergy Solutions, a unit of Ohio-based utility giant FirstEnergy that sank into bankruptcy this spring. FirstEnergy Solutions has said it plans to close or sell five of its money-losing coal and nuclear power plants.

But the Federal Energy Regulatory Commission and the grid operator have said that even with the planned closures, the region has ample power to supply the market's needs. Stagnant power consumption growth, coupled with the rise of natural gas and renewable power sources like wind, has displaced many of the older coal and nuclear facilities in the markets.

The memo also calls for establishing a new requirement for the electric grid based on "resilience," a term Perry injected into the regulatory conversation last fall with a proposed rule that would have rewarded plants that could keep 90 days of fuel on site. FERC rejected that rule, but it also created a new proceeding to try to define "resilience," which some in the industry say pertains to the grid's ability to withstand and recover from a physical or cyberattack.

The memo largely focuses on the issue of resilience, which it says would suffer if coal and nuclear power plants retire. It specifically targets natural gas as a weakness, because the plants that burn the fuel rely on pipelines that could be disrupted, while coal and nuclear power plants can keep months' worth of fuel on site.

"Natural gas pipelines are increasingly vulnerable to cyber and physical attacks," the memo says. "The incapacitation of certain pipelines through the United States would have severe effects on electric generation necessary to supply critical infrastructure facilities."

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## How Does Scott Pruitt Survive? [Back](#)

By Jack Shafer | 06/05/2018 05:08 PM EDT

Environmental Protection Agency Administrator Scott Pruitt wants whatever is on offer—only he wants more of it, and he wants it giant-sized, preferably swathed in leather and shimmering like precious metal.

Since taking office as President Donald Trump's first and so far only EPA chief, Pruitt has distinguished himself on two fronts: Obviously, he's labored to annul many of the agency's existing regulations. But even more obviously, he has swept giant snowdrifts of unflattering news about his grasping behavior into the press.

Day after day, month after month, Pruitt feeds the maw of the bad publicity machine with his overreach and overexposure. In ordinary times, his outrages would have earned him a dismissal and he would have joined the scores of high-level Trump functionaries who've been fired or forced to resign. Yet he endures. Just a month ago, he went to Capitol Hill for interrogation and he took more punches than Jake LaMotta did in his bloody 1951 fight against Sugar Ray Robinson, but he did not fall.

Not that Pruitt doesn't make a superb punching bag. He's taken deserved ridicule for deciding that the basic Chevrolet Tahoe that conveyed the previous EPA administrator wasn't sufficient and needed replacement with the larger and fancier Chevrolet Suburban. And not just the LT model but the higher-end LS model, plus bulletproof vests for its leather seats. So enthroned, Pruitt reportedly "urged" his security detail to run the permanent blockade that is Washington traffic by activating the vehicle's lights and sirens as to hustle him to the airport, meetings, and his D.C. social engagements (including a trip to Le Diplomate, the fashionable French restaurant that he favors).

Pruitt's vehicular choices seemed modest when we learned of his tastes in air flight and travel. During his first year, he flew first class regularly, shanghaied expensive military aircraft for flights, and even took chartered crafts. By one count, he spent \$168,000 on air travel in one year. Where the average EPA administrator spent \$1.9 million a year on security over the past eight years, he spent \$3.5 million protecting himself from imaginary death threats. EPA security details accompanied him on a family vacation to Disneyland and to the Rose Bowl game. According to the Washington Post, he composed a list of a dozen countries he hoped to visit and "urged aides to help him find official reasons to travel." He got his passport stamped in Italy and Morocco, and drew up itineraries for Australia, Israel, Saudi Arabia, Colombia, Panama, Poland, India, and Canada — you know, all those places where EPA has no authority.

When Tom Price got caught using his position as secretary of Health and Human Services to run up frequent flyer miles in private planes at government expense, Trump forced him to resign in the name of draining the swamp. And yet Pruitt endures.

In need of writing supplies, did Pruitt order Pilot pens and legal pads? Nah, he contracted for fancy stationery, leather-bound notebooks, and a dozen customized silver fountain pens—emblazoned with the EPA seal—from the high-end Washington shop Tiny Jewel Box. The total price was \$3,230.

Ensnared at the EPA, he had the place swept for electronic bugs and purchased biometric locks; installed a \$43,000 soundproof phone booth; and spent twice what was authorized to redecorate his office (dropping about \$9,600). Meanwhile, he bunked at the bargain price of \$50 each night in a room at the home of the wife of an energy industry lobbyist. The New York Times reports that the lobbyist's project was approved by the EPA. As I write, the Washington Post reports that last year he assigned an aide to help his wife, Marlyn Pruitt, secure a

Chick-fil-A franchise as a "[potential business opportunity](#)." Oh, and he recently got caught dispatching an aide during his apartment search to buy a [used mattress](#) from the Trump International Hotel in Washington. And don't forget his flirtation with a [Hatch Act violation](#).

Hit me again, Pruitt all but dares his critics, which include all the good-government types as well as the [Natural Resources Defense Council](#) and the [Sierra Club](#) — the environmental protection industrial complex — who have been pantsing the administrator with findings from their FOIA requests. Taking him up on his dare today was Sen. Joni Ernst (R-Iowa), who [called](#) him "about as swampy as you get." Sen. Chuck Grassley (R-Iowa) concurred, saying Pruitt "has betrayed the president." (Don't get too excited, Democrats: They are mad about ethanol.) Even White House staffers have piled on, [imploing](#) the president to dismiss his EPA chief.

How does Pruitt continue to defy the Washington furies, where lesser mortals fail every day? He's not as scandal-resistant as he is scandal-impervious. Pruitt's policies have made corporate America (including the [Koch brothers](#)) his ally, and according to the [HuffPost](#), he's wowzers with the evangelicals, too. Trump must figure that this kind of allyship will accrue to his political advantage, if not today then soon.

But he perseveres mostly because the president admires his swagger. Trump is the sort of coach who loves having a player like Pruitt who will give the bird to the other side with one middle finger and gouge them in the eye with the other. Although many of Pruitt's regulatory "victories" are [provisional](#), subject to re-rollback by the courts, he has assumed the posture of a winner, and Trump likes that, too. (In a constitutional monarchy like ours, keeping the king happy is important.) Like Trump, Pruitt remains defiant in the face of his loud critics, an attitude the president likes as long as it isn't directed at him. Today, a reporter called attention to the Ernst-Grassley dissatisfaction with a question to White House press secretary Sarah Huckabee Sanders, asking, "How is it in the face of all that we've learned, how is it that President Trump continues to have confidence in the EPA administrator?" Once again, Sanders deflected, saying she hadn't had a chance to discuss the report with the president, adding, "We continue to have concerns and look into those and we'll address them," which was Sandersese for 'buzz off.'

The best reason Scott Pruitt might continue to survive his scandals for months and months, though, is that his removal would change nothing. His deputy, Andrew R. Wheeler, confirmed in April, would likely get called in from the bullpen and merely continue to pitch the same regulatory game Pruitt is pitching, a likelihood the [NRDC predicts](#). The law of averages says that Wheeler couldn't possibly be as loud and vulgar in his grasping as Pruitt. The second best reason — and my favorite — is that the enviros would be crazy to depose Pruitt at the precise moment he has become their creamy, wide and deep publicity gravy train. In Pruitt, the environment industrial complex and the president find the perfect unity candidate.

\*\*\*\*\*

*"I fought Sugar Ray so often, I almost got diabetes," [Jake LaMotta](#) liked to say. Send punches to [Shafer.Politico@gmail.com](mailto:Shafer.Politico@gmail.com). My [email alerts](#) have a nasty uppercut. My [Twitter feed](#) a nifty right-cross. My [RSS feed](#) is all sucker-punch.*

To view online [click here](#).

[Back](#)

**Martinez, DOI official to testify on energy bills next week** [Back](#)

By Anthony Adragna | 06/01/2018 01:42 PM EDT

New Mexico Gov. Susana Martinez and Katharine MacGregor, deputy assistant secretary for Land and Minerals Management at Interior, are among the officials slated to testify at a House Natural Resources subcommittee hearing June 6 on four draft energy bills, according to a notice seen by POLITICO.

One of the bills would enable Interior to recover the costs of administrative protests to oil and gas lease sales, drilling permits and other applications; another would expand categorical exclusions to the oil and gas permitting process; a third would waive certain permitting requirements under the Mineral Leasing Act; and the last would permit operators to submit notifications of permit to drill to Interior.

"These onshore ideas are needed to expedite the burdensome regulatory process and will help American families across the nation pay less at the pump," according to the committee.

**WHAT'S NEXT:** The hearing takes place June 6 at 2 p.m.

*To view online [click here](#).*

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### **Key House panel plans hearing on Puerto Rico electrical grid recovery [Back](#)**

By Colin Wilhelm | 06/05/2018 07:55 PM EDT

The House Natural Resources Committee will hold a hearing this summer on Puerto Rico's fitful recovery from hurricanes Maria and Irma focused on the U.S. territory's troubled electrical grid.

Chairman [Rob Bishop](#) called the power grid and Puerto Rico's \$70 billion debt crisis "interrelated" — a hearing on the status of the commonwealth's debt recovery had already been planned for July, though no date has been set yet.

"We need to look at what the federal government needs to do to ensure that we will have abundant energy provided for the people of Puerto Rico," Bishop told POLITICO. "And if we don't do that, there's no recovery that's going to take place."

Bishop, whose committee has jurisdiction over Puerto Rico, said he hopes to hold the energy-focused hearing before July 4.

The Utah Republican said concerns over the official death count from Hurricane Maria — which were renewed after the recent publication of a Harvard study estimated thousands more deaths than the government's official estimate of 64 — may also be addressed during the hearing.

The issue has become a political flashpoint, as Democrats criticize the Trump administration's response efforts to Maria. The Congressional Hispanic Caucus will hold a press conference on the issue Wednesday morning.

"It's a possibility," said Bishop. "If you have a problem with the quality of life in any way, and if any deaths were caused by the lack of energy, then rebuilding and redoing the energy [grid] has to be the prime consideration. What I want to do is look at how we can improve the situation down there and not just go off in tangents."

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## **Trump administration formally cancels Ebola, Sandy funding cuts [Back](#)**

By Sarah Ferris | 06/05/2018 02:41 PM EDT

The White House on Tuesday sent a revised package of spending cuts to Capitol Hill, backing away from several contentious ideas that had drawn resistance among some Republicans.

In a [17-page letter](#) to Congress, the Trump administration proposed a handful of tweaks to its \$15.3 billion rescissions package. The changes are intended to shore up support in the House while also correcting some technical glitches in the initial version.

After encountering pushback from some House Republicans, the Trump administration has agreed to preserve hundreds of millions of dollars set aside to fight the Ebola virus and to help communities with long-term recovery from Hurricane Sandy.

The White House is also canceling cutbacks to a management account within the Environmental Protection Agency — a tweak that several GOP aides have described as technical.

The budget office is also reversing a pair of proposed cuts to Department of Transportation highway trust fund accounts after a nonpartisan government agency [determined](#) this month that the Trump administration didn't have the authority to cancel that funding.

The changes reflect "several technical and policy updates based on continued Administration analysis and discussions with Members of Congress," a senior Office of Management and Budget official said in an email.

The House is expected to make those changes to its existing bill, [H.R. 3 \(115\)](#), and move quickly to bring it to the floor. [POLITICO first reported](#) the White House's plans on Friday.

Congress has until June 22 to pass the package before it loses its privileged status in the Senate. OMB Director Mick Mulvaney told Fox Business on Monday that the House is expected to take up the rescissions request this week, though GOP leaders haven't formally put it on the schedule.

"We urge the House and Senate to pass this package to help get our fiscal house back in order, and return the unused and unnecessary funds back to the American taxpayer," the OMB official said.

The rescissions request — which was introduced in early May — stalled in the House as GOP leaders dealt with prickly political battles on the farm bill and immigration. But it was also held up by nearly a dozen House Republicans who said publicly they objected to elements of the White House's proposal.

"We never anticipated the kind of pushback we would have in our own conference on this rescissions package," Rep. [Mark Walker](#) (R-N.C.), a key proponent of the package, [said in May](#) of the GOP's whip count on the bill.

With the changes, House Republicans likely will have a far easier time reaching the necessary 218 votes for passage — though some vulnerable GOP lawmakers may still oppose the package because of its cuts to the Children's Health Insurance Program. Those \$7 billion in proposed cutbacks would have no impact on the program.

The White House's revised package would still cancel nearly \$15 billion in budget authority, making it the largest single request in history.

The vast majority of that money, however, would not have been spent under current law, according to the CBO. As a result, CBO estimated that the \$15.3 billion package would save roughly \$1 billion in actual budget outlays over a decade.

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Somewhat



Neutral



Not really



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# POLITICOPRO

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Message

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**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
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**Subject:** 4-11-2018 - FY19 Budget Hearing HOT TOPICS V1.docx  
**Attachments:** 4-11-2018 - FY19 Budget Hearing HOT TOPICS V1.docx

Attached are my initial changes to the Hot Topics page. I could use some help in fairly short order to review my edits and to add additional issues which we know he will be asked about.

Can you help get your offices to turn this around soon?



Message

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**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** 4/27/2018 11:07:07 PM  
**To:** Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]  
**Subject:** FW: Pruitt's scorched-earth strategy adds to staff's 'despair'

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**From:** Bowman, Liz  
**Sent:** Friday, April 27, 2018 5:56 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Fwd: Pruitt's scorched-earth strategy adds to staff's 'despair'

Sent from my iPhone

Begin forwarded message:

**From:** "POLITICO Pro" <politicoemail@politicopro.com>  
**Date:** April 27, 2018 at 5:13:25 PM EDT  
**To:** <bowman.liz@epa.gov>  
**Subject:** Pruitt's scorched-earth strategy adds to staff's 'despair'  
**Reply-To:** "POLITICO subscriptions" <reply-fe87137473600c7a71-1173707\_HTML-791490233-1376319-0@politicoemail.com>

**Pruitt's scorched-earth strategy adds to staff's 'despair'**

By Emily Holden

04/27/2018 05:10 PM EDT

Scott Pruitt may have survived his testimony on Capitol Hill, but he's coming back to a further enraged and demoralized Environmental Protection Agency staff.

Several current and former EPA officials and other people close to the agency said Pruitt did himself no favors with his congressional testimony Thursday, in which he blamed his aides for installing a \$43,000 privacy booth in his office and approving more than \$100,000 in first-class flights that he took last year. Pruitt also denied knowing key details about raises that his top staff received last year. And he declined to defend his former policy chief against Democrats' accusations that she had failed to show up for work for three months, even though she and Pruitt had been photographed attending the same meeting during the period in question.

In conversations with 11 people who know the atmosphere inside EPA, including Republican political appointees, a handful said his refusal to grovel may have pleased President Donald Trump. But others said his strategy was appalling to the current and former staffers who found themselves thrown under the bus.

"I think his credibility is damaged, and whether or not he gets fired by a tweet isn't going to diminish the fact that his credibility has been seriously damaged by all of this," one person close to the administration told POLITICO. "It shows a real lack of leadership that he did not defend, or blamed, his staff. These are the people that he's asking for loyalty from. These are the people that are defending him. He's not returning the favor. That's not leadership."

A current EPA official said Friday that employees are veering between "despair" and "embarrassment," and Pruitt's televised performance did not help.

"I will tell you, it did not go unnoticed from people who watched the hearing that he did not take responsibility on the policy pieces" of the testimony, the official said. "It was not lost on us on the stuff we know about that he used very careful language, he was parsing his words, that some might say he did not speak the whole truth."

One former EPA official said even political aides are "sick of Pruitt constantly putting himself first," and "putting himself before the president's agenda."

"He's rarely been interested in selling regulatory reform as improving Americans' lives, and is far more interested in saving his political career," the former official said.

But Trump has shown no signs of abandoning his EPA chief, who has won the strong backing of conservative groups with his efforts to erase Obama-era environmental regulations. So far, that has outweighed the anger of White House staff members and exasperation of key Republican lawmakers at Pruitt's series of controversies over luxe travel, extensive security, a below-market D.C. condo rental from a lobbyist and history of questionable real estate deals in his native Oklahoma.

A senior EPA official said Pruitt's strategy of fighting the allegations was designed to appeal to Trump, who disdains members of his team who appear weak on television.

"They like fighters no matter what," the official said. "No matter what, fight. That's what we've been conditioned to."

The official predicted that the White House's takeaway from the hours of hearings would be that Republican lawmakers stood with Pruitt, while Democrats squandered their opportunity by spending too much time criticizing Pruitt's deregulatory agenda — which Trump supports — rather than hitting him for the ethics issues.

"Any audience would say the White House saw a Republican bench entirely supportive of him," the EPA source said. "On the Democrat side, the White House also saw Democrats who used half their time to criticize policies he's doing that the White House likes. If they wanted to land punches, why do you ask about these policies? That's not going to do it for you."

Pruitt ally Sen. Jim Inhofe (R-Okla.) took that message from Thursday's hearings, despite saying earlier in the week that he was troubled by some recent allegations about the EPA leader's past dealings in Oklahoma. "After a full day of mudslinging and partisan questioning from the Democratic members of the committees, it is clear that the only fault they could find with Scott Pruitt is that he's successfully ending the EPA's history of overreach and overregulation," Inhofe said in a statement Friday.

Still, the senior EPA official said, Pruitt's relatively good day in Congress could be "washed away" if his inconsistencies about what he knew about the raises generate a steady narrative that he lied to the White House, as at least one CNN pundit alleged.

And until Trump weighs in, the tension around Pruitt at EPA will remain high.

"There needs to be a halt to this because it's exhausting," the same official said.

Pruitt also still faces multiple investigations inside the executive branch and on Capitol Hill. On Friday, for example, the agency was due to deliver a "batch of documents" to the staff of House Oversight Chairman Trey Gowdy (R-S.C.), who is leading one of the probes.

Departed EPA aides who have said Pruitt didn't tolerate internal criticism of his spending and secrecy say current staffers still fear they'll be similarly swept up in the scandals — but won't be able to find jobs if they quit now and gain a reputation for disloyalty.

"They're trying to do the best they can in a toxic environment," one former staffer said. "You cannot express any idea that might be misconstrued as a political attack on Pruitt or any policy issues, so people just do what they're told. They're professional. ... They don't want to get caught in an undertow."

Another former EPA official has been getting phone calls from staffers who are frustrated by the controversies but keeping their heads down.

"Everyone in the building wants to come out and say something ... but as soon as they say something, they're out of a job," that person said.

Not everyone in the agency was upset that Pruitt pinned many of his controversies on his staff Thursday, after giving an opening statement in the House in which he confessed that his first year on the job had been "a learning process."

"When he was putting it on staff, that's the reality of it," one current EPA political appointee said. "Sure he's the administrator, sure he's the head of the agency. That doesn't mean he was aware of the \$40,000. He asked for a secure phone line and the next thing you know it turned into a secure phone booth. ... Overall I think his staff continue to stand beside him today and will continue to do that."

In his testimony, Pruitt said he had never asked for a \$43,000 secure phone booth — only "access to secure communication" — or biometric locks for his office, and he said his security staffers made the call for him to fly first-class to avoid possible threats from other passengers. He said he had authorized his chief of staff, Ryan Jackson, to give raises to his top staff but had no idea that they were circumventing disapproval from the White House. And he chose not to defend his former policy chief against allegations from Democratic lawmakers that she was not in the office for months, even though an EPA spokesman had dismissed the accusations as "baseless and absurd."

A second political appointee said Pruitt didn't break any new ground with his defenses, and that controversies dogging him had been "all blown out of context."

The person called Pruitt a "disruptor" and said "folks don't like that aggressive style."

"Administrator Pruitt speaks for a certain aspect of the Trump administration conservative movement," the appointee said.

*Eric Wolff and Anthony Adragna contributed to this report.*

*To view online:*

<https://www.politicopro.com/energy/article/2018/04/pruitts-scorched-earth-strategy-adds-to-staffs-despair-507221>

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Yes, very



Somewhat



Neutral



Not really



Not at all

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Message

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**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
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**CC:** Greaves, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abcb6428b3df40a9a78b059a8ba59707-Greaves, Ho]; Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]; Leopold, Matt (OGC) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]  
**Subject:** FW: Discussion Document - Audit of EPA's Adherence to Policies, Procedures and Oversight Controls Pertaining to the Administrator's Travel  
**Attachments:** Finding Outline -Audit Objective 1.pdf; ATT00001.htm; Finding Outline -Audit Objectives 2-3.pdf; ATT00002.htm

Art, since the attached touches in a number of ways with the Administrator's office, the AO or I would like to review for accuracy too and this should have been provided to the AO for review as well not simply the OCFO.

This has become an issue now in two draft reports and one of which we are now being asked to respond to in 15 days for a final publication instead of the usual 30 days. I believe it rises to the need to hold a meeting with you on procedure. Matt Leopold will return from a regional trip today. I believe we would like to hold this tomorrow and in the meantime if you're not available to meet with all of us tomorrow, I could get on the phone for what I think would be a short at least initial conversation.

I'm at Ex. 6

Thank you.

Begin forwarded message:

**From:** "Wong, Lela" <Wong.Lela@epa.gov>  
**Date:** May 29, 2018 at 7:29:23 PM EDT  
**To:** "Conklin, Jeanne" <Conklin.Jeanne@epa.gov>  
**Cc:** "Trent, Bobbie" <Trent.Bobbie@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Pruitt, Scott" <pruitt.scott@epa.gov>, "Christensen, Kevin" <Christensen.Kevin@epa.gov>, "Eyermann, Richard" <Eyermann.Richard@epa.gov>, "Trefry, John" <Trefry.John@epa.gov>, "Bennett, Angela" <Bennett.Angela@epa.gov>  
**Subject:** Discussion Document - Audit of EPA's Adherence to Policies, Procedures and Oversight Controls Pertaining to the Administrator's Travel

Hi Jeanne,

Attached for your review are the OIG's Discussion Documents on the audit of the EPA's adherence to policies, procedures and oversight controls pertaining to the Administrator's travel. We have updated the finding outlines based on your comments from the field exit conference on April 30. Please review the documents for factual accuracy. I will send out a meeting invitation shortly to schedule a time to discuss the Agency's verbal comments in about 10 calendar days. As previously discussed, we will be issuing a draft report for the agency's formal written comment.

Please note that the Discussion Documents are not to be distributed outside of EPA. You may distribute them to other EPA employees for purpose of providing comments only.

If you have any questions, please call me at (415) 947.4531, or my manager Angela Bennett at (404) 562.9844.

Thanks!  
Lela

Message

**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** 4/10/2018 2:50:56 PM  
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**CC:** Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]  
**Subject:** Re: APPROVAL: security threat - comment request

Ok

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6**

On Apr 10, 2018, at 10:44 AM, Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)> wrote:

UPDATED STATEMENT (With RJ's suggestion):

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Tuesday, April 10, 2018 10:39 AM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Kelly, Albert <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>  
**Subject:** RE: APPROVAL: security threat - comment request

## Ex. 5 - Deliberative Process

**From:** Wilcox, Jahan  
**Sent:** Tuesday, April 10, 2018 10:36 AM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>  
Subject: APPROVAL: security threat - comment request

## Ex. 5 - Deliberative Process

### BACKGROUND ...

**Patrick Sullivan, EPA's Assistant Inspector General For Investigations said there are a number of threats against EPA Administrator Scott Pruitt.** “‘We have at least four times -- four to five times the number of threats against Mr. Pruitt than we had against Ms. [Gina] McCarthy,’ said Patrick Sullivan, EPA’s assistant inspector general for investigations, referring to Pruitt’s predecessor during the Obama administration. He declined to provide the specific numbers of threats against Pruitt. ‘They run the variety of direct death threats -- ‘I’m going to put a bullet in your brain’ -- to implied threats -- ‘if you don’t classify this particular chemical in this particular way, I’m going to hurt you,’” Sullivan told CNN in an interview. ‘Then there’s implied threats -- like they say in New York, with the mafia: ‘If you come after me and my family, I’ll come after you and your family.’” (CNN, 11/28/17)

**According to Patrick Sullivan, threats have nearly doubled against Pruitt.** “In an interview with E&E News, Patrick Sullivan, EPA’s assistant IG for investigations, said the watchdog opened roughly 70 threat probes in fiscal 2017, including cases and complaints related to EPA facilities and personnel. That surpassed the total of about 45 such probes into threats against EPA from fiscal 2016. Sullivan also said Pruitt has faced more threats than his immediate predecessors, former administrators Gina McCarthy and Lisa Jackson. ‘He has had significantly more threats directed against him. There’s absolutely no question about it,’ Sullivan said.” (E&E News, 01/11/18)

**Threats have been made against Pruitt and his family.** “The administrator of the Environmental Protection Agency said an increase in his security detail is the result of an escalation in threats to him and his family. ‘The quantity and the volume -- as well as the type -- of threats are different,” Pruitt said in an interview with Bloomberg News. “What’s really disappointing to me as it’s not just me -- it’s family.’” (Bloomberg, 10/26/17)

**Pruitt said threats the level of protection is decided by the threat.** “The level of protection is dictated by the level of threat,” Pruitt said, noting security arrangements are decided by others assessing the situation.” (Bloomberg, 10/26/17)

**EPA’s Office of Criminal Enforcement, Henry Barnett said there have been incidents of aggressive behavior against Pruitt.** “There were ‘incidents where he was being approached -- vulgar language, people were being somewhat aggressive towards him -- and so the special agent in charge provided documentation -- a memo -- to me and up the chain of



command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" (Bloomberg, 02/15/18)

**EPA's Office of Criminal Enforcement, Henry Barnett said it's their job to ensure they can pull Pruitt away from threats.** "The agents have to make sure he's in a position where they can protect him," the director of EPA's Office of Criminal Enforcement, Henry Barnett, said in an interview. "If he's surrounded by other members of the public or it's a threat, their job is to push him and pull him away from those threats. That's why it is imperative to keep him away from the individuals so they can keep him safe." (Bloomberg, 02/15/18)

**EPA's Protective Service Detail says there is a high level of interest against Pruitt.** "Perrotta described a "high level of unusual interest in the administrator," calling it the most he's ever seen while safeguarding EPA chiefs." (Bloomberg, 02/15/18)

**From:** Friedman, Lisa [<mailto:lisa.friedman@nytimes.com>]

**Sent:** Tuesday, April 10, 2018 10:32 AM

**To:** Press <[Press@epa.gov](mailto:Press@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>

**Subject:** security threat - comment request

Sen. Whitehouse has sent a letter to Barrass - he said he has an EPA Homeland Security intelligence assessment that he says undercuts the October memo of Mr. Pruitt's security detail justifying the need for first-class travel, etc. as security measures. We're doing a story quickly - if you have any immediate comment I will put it in as quickly as possible; we are also writing through the story today.

Best,  
Lisa

--

Lisa Friedman  
Reporter, New York Times  
(202) 862-0306 office

**Ex. 6** cell

Message

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**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** 3/6/2018 5:47:56 PM  
**To:** Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]  
**Subject:** FW: Washington Post: Man hired to sweep Scott Pruitt's office for bugs is in business with a top EPA security official, 3/6/18  
**Attachments:** image2018-03-05-204944.pdf

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**From:** Jackson, Ryan  
**Sent:** Tuesday, March 6, 2018 11:51 AM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>  
**Subject:** RE: Washington Post: Man hired to sweep Scott Pruitt's office for bugs is in business with a top EPA security official, 3/6/18

This story is simply incorrect.

The security office within EPA approved the expenditure of funds for this contractor and it was paid on a card because it was below the threshold.

Locktech is not Ed Steinmetz and with the amount over \$5,000 limit the security office within EPA looked at competing bids. Ultimately it was the same materials and likely same contractor installing the locks in the Office of the Inspector General.

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**From:** Bowman, Liz  
**Sent:** Tuesday, March 6, 2018 11:27 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>  
**Subject:** FW: Washington Post: Man hired to sweep Scott Pruitt's office for bugs is in business with a top EPA security official, 3/6/18

FYI – If there is any information you all have here, please let me know (additional background, etc.). The WH is going to want talking points on this...

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**From:** Hassell, Emily  
**Sent:** Tuesday, March 6, 2018 11:19 AM  
**To:** AO OPA Individual News Clips <AO\_OPA\_Ind\_News\_Clips@epa.gov>  
**Subject:** Washington Post: Man hired to sweep Scott Pruitt's office for bugs is in business with a top EPA security official, 3/6/18

**Washington Post**

[https://www.washingtonpost.com/news/energy-environment/wp/2018/03/06/man-hired-to-sweep-scott-pruitts-office-for-bugs-is-in-business-with-a-top-epa-security-official/?utm\\_term=.cdf72ed34a4e](https://www.washingtonpost.com/news/energy-environment/wp/2018/03/06/man-hired-to-sweep-scott-pruitts-office-for-bugs-is-in-business-with-a-top-epa-security-official/?utm_term=.cdf72ed34a4e)

**Man hired to sweep Scott Pruitt's office for bugs is in business with a top EPA security official**

By Juliet Eilperin and Brady Dennis, 3/6/18, 10:45 AM

Two senior Senate Democrats asked Environment Protection Agency Administrator Scott Pruitt on Tuesday to provide details about how a business associate of the head of his security detail got a security contract with the agency.

Pasquale “Nino” Perrotta — who heads Pruitt’s security detail and also serves as a principal of Rockville-based Sequoia Security Group — suggested last year to EPA officials that they hire a fellow member of the management team at Sequoia, Edwin Steinmetz, according to an administration official who spoke on the condition of anonymity to discuss internal agency decisions. The roughly \$3,000 contract to sweep Pruitt’s office for concealed listening devices was conducted by Edwin Steinmetz Associates, the official said.

The Associated Press reported last year that the EPA had hired Steinmetz to conduct the bug sweep, though it did not report that Perrotta had suggested agency officials seek Steinmetz’s services, or that they are in business together. Pruitt also had biometric locks installed in his office, for two separate payments of \$3,390 and \$2,495, according to the AP. Those expenditures weren’t disclosed on the government’s contracting website because the threshold for reporting stands at \$3,500.

Steinmetz is listed as Sequoia’s vice president of technical surveillance measures. And while it was his own firm, based in New Jersey, that received the bug-sweeping contract, Sens. Thomas R. Carper (Del.) and Sheldon Whitehouse (R.I.) — both senior Democrats on the Senate Environment and Public Works Committee — are seeking documentation to prove that Perrotta obeyed federal conflict-of-interest rules.

“These facts raise questions about Mr. Perrotta’s compliance with EPA regulations and concerns that he may have used his position at the agency to influence the award of EPA contracts to a person or company in which he has a financial interest,” they wrote in Tuesday’s letter.

In a statement Tuesday morning, EPA spokesman Jahan Wilcox said, “We will respond to Senator Carper and Senator Whitehouse through the proper channel.” Steinmetz could not be reached for comment Tuesday morning.

Under federal statute, the senators noted, a government official cannot participate “in a ... contract, claim ... or other particular matter in which, to his knowledge, he, his ... general partner, [or] organization in which he is serving as officer, director, trustee, general partner or employee ... has a financial interest.”

The letter continued, “EPA officials can only issue a waiver from this provision, in advance, if they determine that the employee’s financial interest in the contract is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such employee.”

Perrotta, a former Bronx criminal investigator and Secret Service agent who held several overseas posts, has protected EPA leaders dating to the George W. Bush administration. Despite that full-time job, he has pursued numerous side ventures over the years.

He was head of a contracting business, P&P Construction, from 2004 through late 2012, according to LinkedIn and various public records. He wrote that he began the business “as a hobby” and “accomplished numerous home improvement projects throughout the D.C. area.”

Since early 2013, he has managed Sequoia, a “boutique security and investigative firm.” On Sequoia’s website, Perrotta is listed as the firm’s principal leader. In the past, he also has referred to himself as the company’s “founder and CEO.”

Steinmetz, meanwhile, is listed as part of the firm’s “management team” and a vice president of technical surveillance measures. His online biography says he has “over 30 years of combined law enforcement, public and private sector experience in ‘specialized’ security services,” and that he is an expert in conducting surveillance sweeps.

Steinmetz’s own firm, Edwin Steinmetz Associates, has received at least one other government contract, according to public records — a \$25,000 award last year from the Nuclear Regulatory Commission for “miscellaneous alarm, signal and security detection systems.”

The firm is registered at what appears to be Steinmetz's home address in New Jersey. The company's website reads, "Bug sweeping is our business."

On his LinkedIn page, Steinmetz lists himself as having worked as a "privacy officer" for Sequoia since 2013, adding that he has provided security sweeps "for a number of high profile corporate clients throughout the United States."

Pruitt's security expenses during his short tenure have repeatedly drawn scrutiny. Shortly after taking office in February 2017, he switched to a 24-hour, seven-day-a-week protective detail, drawn in part from the agency's environmental crime investigation staff, after his staff concluded that he faced a higher level of threat than did his predecessors. After a public critic confronted the administrator while traveling last spring, according to a top EPA official, it was Perrotta who recommended that Pruitt fly in either first or business class to avoid such situations.

Henry Barnett, who directs the EPA's Office of Criminal Enforcement, Forensics and Training, said in an interview with The Washington Post last month that Perrotta's recommendation was prompted by an incident in which a person approached Pruitt "with threatening language" that was "vulgar."

Speaking in New Hampshire last month, Pruitt emphasized that members of his security detail decide his travel arrangements. "I'm not involved in any of those decisions. Those are all made by the detail, the security assessment in addition to the chief of staff," he said.

Perrotta has traveled personally with Pruitt on multiple occasions, the senators noted, including to Kentucky, Oklahoma, Colorado and North Dakota last summer. In his capacity as a principal at Sequoia, Perrotta has advertised his expertise in "threat analysis and mitigation" and "VIP travel."

Separately, Pruitt spent nearly \$25,000 in agency funds last year to build a secure, soundproof communications booth in his office. The EPA inspector general's office confirmed in December that it would investigate the matter, though Pruitt told lawmakers that month that he installed the booth to have confidential conversations with key administration officials.

"It's necessary for me to be able to do my job," Pruitt said during a hearing on Capitol Hill.

In their letter, Carper and Whitehouse asked for details about the agency approval Perrotta received for his outside employment, as well as how he has weighed in on Pruitt's security measures.

"Please provide any written assessments authored in whole or in part, or reviewed by, Mr. Perrotta, of security threats to you," they wrote, "including but not limited to the determination that security considerations required you to fly first-class, that you needed to have your office swept for electronic listening devices, that you needed to install biometric locks, that you needed a secure communications booth, that you require round-the-clock security protection, and any other non-disclosed security measure or project you have decided to undertake."